

APPEAL,CAP

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00175-TJK-3**

Case title: USA v. NORDEAN et al

Date Filed: 03/03/2021

Assigned to: Judge Timothy J. Kelly

Appeals court case numbers: 21-3098,  
22-3091, 23-3162

**Defendant (3)**

**ZACHARY REHL**

represented by **Michelle M. Peterson**  
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Defender Appointment*

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TERMINATED: 12/14/2021

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**Pending Counts**

18:371; CONSPIRACY TO DEFRAUD  
THE UNITED STATES; Conspiracy  
(1)

18 U.S.C. 1512(k); TAMPERING WITH  
WITNESS, VICTIM, OR AN  
INFORMANT; Conspiracy to Obstruct  
Official Proceeding  
(1s)

18 U.S.C. § 2384; SEDITIOUS  
CONSPIRACY; Seditious Conspiracy  
(1ss)

18:1512(c)(2), 2; TAMPERING WITH A  
WITNESS, VICTIM OR INFORMANT;  
Obstruction of an Official Proceeding and  
Aiding and Abetting  
(2)

18 U.S.C. 1512(c)(2) and 2; TAMPERING  
WITH A WITNESS, VICTIM OR  
INFORMANT; Obstruction of an Official  
Proceeding and Aiding and Abetting  
(2s)

**Disposition**

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

Defendant sentenced to one hundred eighty  
(180) months of Incarceration on Count 1ss,  
to run concurrently with Counts 2ss, 3ss, 4ss,  
5ss, and 6ss, followed by thirty-six (36)  
months of Supervised Release (with  
conditions) on Count 1ss to run concurrently  
with Counts 2ss, 3ss, 4ss, 5ss, and 6ss. \$100  
Special Assessment. JURY VERDICT OF  
GUILTY 5/4/2023.

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

18 U.S.C. § 1512(k); TAMPERING WITH WITNESS, VICTIM, OR AN INFORMANT; Conspiracy to Obstruct an Official Proceeding (2ss)

Defendant sentenced to one hundred eighty (180) months of Incarceration on Count 2ss, to run concurrently with Counts 1ss, 3ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 2ss to run concurrently with Counts 1ss, 3ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:231(A)(3), 2; CIVIL DISORDER; Obstruction of Law Enforcement During Civil Disorder and Aiding and Abetting (3)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 231(a)(3), 2; CIVIL DISORDER; Civil Disorder and Aiding and Abetting (3s)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 1512(c)(2), 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting (3ss)

Defendant sentenced to one hundred eighty (180) months of Incarceration on Count 3ss, to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 3ss to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property and Aiding and Abetting (4)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property and Aiding and Abetting (4s-5s)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 372; CONSPIRE TO IMPEDE OR INJURE OFFICER; Conspiracy to Prevent an Officer from Discharging Any Duties (4ss)

Defendant sentenced to seventy-two (72) months of Incarceration on Count 4ss, to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 4ss to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

(5)

18 U.S.C. 231(a)(3), 2; CIVIL  
DISORDER; Civil Disorder and Aiding  
and Abetting  
(5ss)

Defendant sentenced to sixty (60) months of Incarceration on Count 5ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 5ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:1752(a)(2); TEMPORARY  
RESIDENCE OF THE PRESIDENT;  
Disorderly Conduct in a Restricted  
Building or Grounds  
(6)

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

18 U.S.C. 111(a)(1);  
ASSAULTING/RESISTING/IMPEDING  
OFFICERS/EMPLOYEES; Assaulting,  
Resisting, or Impeding Certain Officers  
(6s–7s)

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

18 U.S.C. 1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government Property and  
Aiding and Abetting  
(6ss)

Defendant sentenced to one hundred twenty (120) months of Incarceration on Count 6ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 5ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 6ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 5ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18 U.S.C. 1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government Property and  
Aiding and Abetting  
(7ss)

MISTRIAL DECLARED BY COURT ON  
5/4/2023

18 U.S.C. 111(a)(1);  
ASSAULTING/RESISTING/IMPEDING  
OFFICERS/EMPLOYEES; Assaulting,  
Resisting, or Impeding Certain Officers  
(8ss)

MISTRIAL DECLARED BY COURT ON  
5/4/2023

18 U.S.C. 111(a)(1);  
ASSAULTING/RESISTING/IMPEDING  
OFFICERS/EMPLOYEES; Assaulting,  
Resisting, or Impeding Certain Officers  
(9ss)

JURY VERDICT OF NOT GUILTY ON  
5/4/2023

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

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**Interested Party**

**SANTHA SONENBERG**

represented by **Santha Sonenberg**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

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**Movant**

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**Movant**

**AMERICAN BROADCASTING  
COMPANIES, INC.**  
*doing business as*  
ABC NEWS

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
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---

**Movant**

**ASSOCIATED PRESS**

represented by **Charles D. Tobin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

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**Movant**

**BUZZFEED INC.**  
*doing business as*  
**BUZZFEED NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
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*Designation: Retained*

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**Maxwell S. Mishkin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**CBS BROADCASTING INC.**  
*on behalf of*  
**CBS NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**DOW JONES & COMPANY, INC.**  
*on behalf of*  
**WALL STREET JOURNAL**

represented by **Charles D. Tobin**  
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**Movant**

**E.W. SCRIPPS COMPANY**

represented by **Charles D. Tobin**  
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**Maxwell S. Mishkin**  
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**Movant**

**GANNETT CO., INC.**  
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**Maxwell S. Mishkin**  
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**Movant**

**GRAY MEDIA GROUP, INC.**

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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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*LEAD ATTORNEY*  
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---

**Movant**

**LOS ANGELES TIMES  
COMMUNICATIONS LLC**  
*on behalf of*  
**THE LOS ANGELES TIMES**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**NATIONAL PUBLIC RADIO, INC.**

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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**NBCUNIVERSAL MEDIA, LLC**  
*doing business as*  
**NBC NEWS**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**NEW YORK TIMES COMPANY**

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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**PRO PUBLICA, INC.**

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**Maxwell S. Mishkin**  
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**Movant**

**TEGNA, INC.**

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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**WP COMPANY LLC**  
*doing business as*  
**THE WASHINGTON POST**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Movant**

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**Movant**

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**Movant**

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Date Filed	#	Docket Text
03/10/2021		Counts added: ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (zltp) (Entered: 03/19/2021)
03/27/2021	<u>37</u>	MOTION to Revoke <i>Release Order and for Pretrial Detention</i> by USA as to ZACHARY REHL. (Jones, Luke) (Entered: 03/27/2021)
04/06/2021		NOTICE OF HEARING as to ZACHARY REHL (3). VTC Arraignment set for 4/14/2021 at 10:00 AM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. (zkh) (Entered: 04/06/2021)
04/14/2021		

		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ZACHARY REHL (3) as to Counts 1, 2, 3, 4, 5, and 6 held on 4/14/2021. Defendant appeared by video. Plea of NOT GUILTY entered as to Counts 1, 2, 3, 4, 5, and 6. Speedy Trial Excludable (XT) started 4/14/2021 through 5/4/2021, in the interest of justice. Defendant's Response to <u>37</u> MOTION to Revoke Release Order due by 4/28/2021. Government's Reply due by 4/30/2021. VTC Motion Hearing set for 5/4/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Shelli Peterson and Shaka Johnson; US Attorney: Jason Bradley Adam McCullough. (zkh) (Entered: 04/14/2021)
04/14/2021		NOTICE OF HEARING as to ZACHARY REHL (3). The Motion Hearing currently set for 5/4/2021 is <b>RESCHEDULED</b> for 5/3/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/14/2021)
04/19/2021	<u>64</u>	RESPONSE TO Court Order Issued during Oral Ruling on April 19, 2021 by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Filing in U.S. v. Pezzola, 1:21-cr-175, containing photograph)(Jones, Luke) Modified text on 5/21/2021 (zltp). (Entered: 04/19/2021)
04/28/2021		NOTICE OF HEARING as to ZACHARY REHL (3). The VTC Motion Hearing currently set for 5/3/2021 is <b>RESCHEDULED</b> for 5/5/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/28/2021)
05/04/2021	<u>82</u>	Unopposed MOTION for Protective Order by USA as to JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 05/04/2021)
05/04/2021	<u>83</u>	ORDER granting the Government's <u>82</u> Unopposed Motion for Protective Order as to JOSEPH RANDALL BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 5/4/2021. (lctjk1) (Entered: 05/04/2021)
05/05/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 5/5/2021. Case called for Motion Hearing but not held. Defendant appeared by video. Speedy Trial Excludable (XT) started nunc pro tunc 5/4/2021 through 6/3/2021, in the interest of justice. Defendant's Response to <u>37</u> MOTION to Revoke Release Order due by 5/17/2021. Government's Reply due by 5/24/2021. VTC Status Conference set for 6/3/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Maria Jacob and Shaka Johnson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 05/05/2021)
05/24/2021	<u>91</u>	REPLY in Support by USA as to ZACHARY REHL re <u>37</u> MOTION to Revoke Release Order and for Pretrial Detention (Jones, Luke) (Entered: 05/24/2021)
05/25/2021		NOTICE OF HEARING as to ZACHARY REHL (3). The VTC Status Conference currently set for 6/3/2021 is <b>RESCHEDULED</b> for 6/1/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 05/25/2021)
06/01/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 6/1/2021. Defendant appeared by video. Speedy Trial Excludable (XT) started 6/1/2021 through 6/9/2021, in the interest

		of justice. VTC Status Conference set for 6/9/2021 at 1:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Shaka Johnson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 06/01/2021)
06/02/2021		NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3). VTC Status Conference set for 6/9/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 06/02/2021)
06/03/2021	<u>94</u>	First MOTION to Dismiss Case by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 06/03/2021)
06/09/2021		MINUTE ORDER as to ZACHARY REHL (3), CHARLES DONOHOE (4): The hearings currently set for June 9, 2021, are hereby VACATED, and shall be rescheduled promptly. Signed by Judge Timothy J. Kelly on 6/9/2021. (lctjk1) (Entered: 06/09/2021)
06/16/2021		NOTICE OF HEARING as to ZACHARY REHL: Status Conference set for 6/21/2021 at 10:00 AM in Telephonic/VTC before Judge Timothy J. Kelly. (zcal) (Entered: 06/16/2021)
06/18/2021		MINUTE ORDER as to ZACHARY REHL (3): The hearing currently set for June 21, 2021, is hereby VACATED due to the unavailability of defense counsel and shall be rescheduled promptly. Signed by Judge Timothy J. Kelly on 6/18/2021. (lctjk1) (Entered: 06/18/2021)
06/23/2021		NOTICE OF HEARING as to ZACHARY REHL (3). VTC Status Conference set for 6/30/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 06/23/2021)
06/30/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 6/30/2021. Defendant appeared by video for the initial thirty (30) minutes of the hearing and his appearance was waived for the remainder of the hearing. Oral argument on the government's <u>37</u> MOTION to Revoke <i>Release Order and for Pretrial Detention</i> , heard and GRANTED. Order to be issued by the court. Speedy Trial Excludable (XT) started 6/9/2021 through 7/28/2021, in the interest of justice, as to ZACHARY REHL (3). VTC Status Conference set for 7/28/2021 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Shaka Johnson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 06/30/2021)
07/01/2021	<u>104</u>	DETENTION ORDER as to ZACHARY REHL (3). See Order for details. Signed by Judge Timothy J. Kelly on 7/1/2021. (lctjk1) (Entered: 07/01/2021)
07/06/2021	<u>109</u>	NOTICE of Evidence Referenced During June 30, 2021 Hearing by USA as to ZACHARY REHL (Attachments: # <u>1</u> PowerPoint from June 30, 2021 Hearing)(Jones, Luke) (Entered: 07/06/2021)
07/14/2021	<u>119</u>	NOTICE Regarding Discovery Correspondence by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 4/21/2021 Letter (All Defendants), # <u>2</u> 4/30/2021 Letter (Nordean), # <u>3</u> 5/5/2021 Letter (Rehl), # <u>4</u> 5/19/2021 Letter (Nordean), # <u>5</u> 6/2/2021 Letter (All Defendants), # <u>6</u> 6/2/2021 Letter (Nordean), # <u>7</u> 6/2/2021 Letter (Biggs), # <u>8</u> 6/2/2021 Letter (Rehl), # <u>9</u> 6/2/2021 Letter (Donohoe), # <u>10</u> 6/3/2021 Letter (Biggs, Rehl, Donohoe), # <u>11</u> 6/3/2021 Letter (Rehl), # <u>12</u> 7/1/2021 Letter (Nordean), # <u>13</u> 7/2/2021



		Letter (Biggs, Rehl, Donohoe), # <u>14</u> 7/2/2021 Letter (Nordean), # <u>15</u> 7/6/2021 Letter (All Defendants), # <u>16</u> 7/6/2021 Letter (Nordean), # <u>17</u> 7/7/2021 Letter (Nordean), # <u>18</u> 7/7/2021 Letter (All Defendants), # <u>19</u> 7/9/2021 Letter (All Defendants), # <u>20</u> 7/13/2021 Letter (All Defendants), # <u>21</u> 7/13/2021 Letter (All Defendants), # <u>22</u> 7/14/2021 Letter (All Defendants))(Jones, Luke) (Attachment 5 replaced on 7/14/2021) (zltp). (Entered: 07/14/2021)
07/14/2021	<u>120</u>	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Memorandum Regarding Status of Discovery)(Jones, Luke) (Entered: 07/14/2021)
07/22/2021		NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3): VTC Status Conference set for 7/28/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 07/22/2021)
07/26/2021	<u>124</u>	NOTICE OF ATTORNEY APPEARANCE: Shaka Johnson appearing for ZACHARY REHL (Johnson, Shaka) (Entered: 07/26/2021)
07/26/2021	<u>125</u>	First MOTION to Continue <i>Status</i> by ZACHARY REHL. (Johnson, Shaka) (Entered: 07/26/2021)
07/27/2021		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>125</u> Unopposed Motion to Continue. It is hereby ORDERED, for good cause shown, that the motion is GRANTED. The status conference currently set for July 28, 2021, is hereby RESCHEDULED for September 21, 2021, at 11:00 a.m. via videoconference and teleconference. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to participate. It is further ORDERED that the time period from July 28, 2021, to September 21, 2021, is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i> , with the consent of the parties. The Court finds that, because of the voluminous discovery in cases arising out of the Capitol breach and defense counsel's representation that he needs more time for effective preparation in this case, the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Signed by Judge Timothy J. Kelly on 7/27/2021. (lctjk1) (Entered: 07/27/2021)
08/23/2021	<u>147</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 6-30-21; Page Numbers: 1-75; Date of Issuance: 8-23-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p>

		Redaction Request due 9/13/2021. Redacted Transcript Deadline set for 9/23/2021. Release of Transcript Restriction set for 11/21/2021.(Miller, Timothy) (Entered: 08/23/2021)
08/23/2021	<u>149</u>	MOTION for Order to Transport Defendant <i>to District of Columbia</i> by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 08/23/2021)
08/26/2021	<u>153</u>	MOTION to Withdraw as Attorney by Shaka M. Johnson. by ZACHARY REHL. (Johnson, Shaka) (Entered: 08/26/2021)
09/06/2021		MINUTE ORDER as to Zachary Rehl (3) granting <u>153</u> Motion to Withdraw as Attorney. The Court finds that allowing the withdrawal will not unduly delay trial of this case, be unfairly prejudicial to any party, or otherwise not be in the interest of justice. <i>See</i> LCrR 44.5(d). Accordingly, it is hereby ORDERED that the motion is GRANTED, but only upon another attorney entering his or her appearance to represent the Defendant. The Defendant's case is hereby referred to the criminal duty magistrate judge for ascertainment of counsel. Signed by Judge Timothy J. Kelly on 9/6/2021. (lctjk1) (Entered: 09/06/2021)
09/06/2021	<u>159</u>	NOTICE OF ATTORNEY APPEARANCE: Jonathon Alden Moseley appearing for ZACHARY REHL (Moseley, Jonathon) (Entered: 09/06/2021)
09/09/2021		MINUTE ORDER as to ZACHARY REHL (3): In light of Defendant's change of counsel, it is hereby ORDERED that Defendant shall file any response to the Government's <u>149</u> Motion for Order to Transport Defendant by September 20, 2021. Signed by Judge Timothy J. Kelly on 9/9/2021. (lctjk1) (Entered: 09/09/2021)
09/09/2021		MINUTE ORDER as to ZACHARY REHL (3). On September 6, 2021, Judge Kelly referred this case to the criminal duty magistrate judge for the purposes of ascertaining new counsel for Defendant Rehl. In response to the Court's inquiry, Mr. Johnson (original counsel) and Mr. Moseley (proposed new counsel) both confirmed that Defendant Rehl wanted to terminate Mr. Johnson's representation and instead retain Mr. Moseley. It is therefore ORDERED that Mr. Johnson's representation is terminated, effective September 6, 2021, when Mr. Moseley entered his appearance. <i>See</i> Min. Order (Sept. 6, 2021) (noting that the Motion to Withdraw as Attorney <u>153</u> was granted "but only upon another attorney entering his or her appearance to represent the Defendant."). Mr. Moseley is now counsel of record for Mr. Rehl. Signed by Magistrate Judge Zia M. Faruqui on 9/9/2021. (zpt) (Entered: 09/10/2021)
09/13/2021	<u>163</u>	NOTICE of Accused Zachary Rehls Coverage Under Prior Protective Order by ZACHARY REHL re <u>83</u> Order on Motion for Protective Order (Moseley, Jonathon) (Entered: 09/13/2021)
09/15/2021		<b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) granting Nordean's 164 Motion to Access <i>Sealed Portion of 9/13/21 Hearing Transcript</i> , joined 165 by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/15/2021. (lctjk1) Modified to mark entry as error on 9/16/2021 (zkh). (Entered: 09/15/2021)
09/16/2021	<u>167</u>	Unopposed MOTION pursuant to Rule 36 to Correct a Clerical Error <i>to redact personal names of family including minor child</i> by ZACHARY REHL. (Moseley,

		Jonathon) (Entered: 09/16/2021)
09/16/2021		MINUTE ORDER as to ZACHARY REHL (3) granting <u>167</u> Rehl's Unopposed Motion for Leave to Redact or Substitute A Redacted Version of Docket # 86. For good cause shown, it is ORDERED that the motion is GRANTED. The Clerk of the Court is instructed to seal ECF No. <u>86</u> , along with any attachments. By September 20, 2021, Defendant Rehl shall file on the public docket a copy of his Memorandum in Opposition to Detention, with attachments, that redacts the information identified in Rehl's motion. Signed by Judge Timothy J. Kelly on 9/16/2021. (lctjk1) Modified to link filing on 9/16/2021 (zkh). (Entered: 09/16/2021)
09/16/2021	<u>168</u>	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re <u>120</u> Notice (Other), (Attachments: # <u>1</u> Memorandum Regarding Status of Discovery in January 6, 2021 Cases)(McCullough, Jason) (Entered: 09/16/2021)
09/17/2021	<u>171</u>	NOTICE of Correspondence to Defendants in Advance of September 21, 2021, Hearing on Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Exhibit Sept. 17, 2021 Letter to Defense Counsel)(Jones, Luke) (Entered: 09/17/2021)
09/18/2021	<u>172</u>	RESPONSE by ZACHARY REHL re <u>149</u> MOTION for Order to Transport Defendant to District of Columbia in Opposition (Moseley, Jonathon) (Entered: 09/18/2021)
09/18/2021	<u>173</u>	Memorandum in Opposition by ZACHARY REHL re <u>149</u> MOTION for Order to Transport Defendant to District of Columbia (Attachments: # <u>1</u> Exhibit Exhibits for Memorandum of Law)(Moseley, Jonathon) (Entered: 09/18/2021)
09/20/2021		NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3): VTC Status Conference set for 9/21/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 09/20/2021)
09/20/2021	<u>180</u>	NOTICE Regarding Discovery Correspondence by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 7/28/2021 Letter (All Defendants), # <u>2</u> 7/28/2021 Letter (All Defendants), # <u>3</u> 7/28/2021 Letter (All Defendants), # <u>4</u> 7/29/2021 Letter (All Defendants), # <u>5</u> 8/9/2021 Letter (Biggs), # <u>6</u> 8/24/2021 Letter (All Defendants), # <u>7</u> 9/9/2021 Letter (Biggs), # <u>8</u> 9/9/2021 Letter (Nordean, Donohoe), # <u>9</u> 9/11/2021 Letter (Nordean, Biggs, Donohoe), # <u>10</u> 9/16/2021 Letter (Nordean), # <u>11</u> 9/16/2021 Letter (Biggs, Rehl, Donohoe), # <u>12</u> 9/16/2021 Letter (Rehl), # <u>13</u> 9/16/2021 Letter (Rehl), # <u>14</u> 9/20/2021 Letter (All Defendants), # <u>15</u> 9/20/2021 Letter (Donohoe), # <u>16</u> 9/20/2021 Letter (Nordean, Biggs, Rehl))(Jones, Luke) (Entered: 09/20/2021)
09/21/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 9/21/2021. Defendant appeared by audio. Oral argument heard on the Government's <u>149</u> MOTION for Order to Transport Defendant, and taken under advisement. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Jonathon Alden Moseley; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021)
09/21/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference/Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 9/21/2021. Defendant

		NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. Oral argument heard on Defendant Nordean's <u>94</u> First MOTION to Dismiss Case, and taken under advisement. Speedy Trial Excludable (XT) started 9/21/2021 through 10/26/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 10/26/2021 at 11:00 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 4–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Jonathon Alden Moseley, 4–Lisa S. Costner and Ira Knight; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and James Pearce; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021)
09/25/2021	<u>184</u>	MOTION for Bill of Particulars <i>pursuant to analysis by Judge Amit Mehta of unidentified, unknown number of those aided and abetted and conspired with by ZACHARY REHL.</i> (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support Memorandum of Law)(Moseley, Jonathon) (Entered: 09/25/2021)
09/26/2021	<u>185</u>	ENTERED IN ERROR..... MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law</i> by ZACHARY REHL. (Moseley, Jonathon) Modified on 9/27/2021 (zltpt). (Entered: 09/26/2021)
09/26/2021	<u>186</u>	Amended MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law</i> by ZACHARY REHL. (Moseley, Jonathon) (Entered: 09/26/2021)
09/26/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to ZACHARY REHL re <u>185</u> MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law</i> was entered in error and counsel refiled said pleading. The correct docket entry is <u>186</u> . (zltpt) (Entered: 09/27/2021)
09/28/2021	<u>188</u>	SUPPLEMENT by ZACHARY REHL re <u>186</u> Amended MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law disclosing permits independently released to BUZZFEED possibly making this motion moot</i> (Attachments: # <u>1</u> Exhibit Permits Issued by US Capitol Police for Jan 6 demonstrations released to BUZZFEED)(Moseley, Jonathon) (Entered: 09/28/2021)
09/30/2021	<u>190</u>	MOTION for Release from Custody , <i>Renewed Motion For Release From Pre–Trial Detention and Motion To Re–Open Detention Hearing</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 09/30/2021)
09/30/2021	<u>191</u>	NOTICE <i>Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre–Trial Detention And Motion To Re–Open Detention Hearing</i> by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit 1: Transcript of Bail Hearing Magistrate Pennsylvania, # <u>2</u> Exhibit 2. Court's Form Order for Pretrial Detention, # <u>3</u> Exhibit 3. U.S. Capitol Police Permits for Demonstrations Jan. 6, # <u>4</u> Exhibit 4. January 6 demonstrator given 3 years probation, # <u>5</u> Exhibit 5. Reuters News Report of FBI Report of No Advance Planning of Jan. 6 Attacks)(Moseley, Jonathon) Modified text on 10/1/2021 (zltpt). Modified on 10/1/2021 (znmw). (Entered: 09/30/2021)
09/30/2021	192	MOTION to Re–Open Detention Hearing by ZACHARY REHL. (See docket entry <u>190</u> to view document.) (zltpt) (Entered: 10/01/2021)



10/01/2021	<u>194</u>	MOTION for Waiver of <i>Motion formatting rules to allow table of contents and table of authorities to be filed as supplement</i> by ZACHARY REHL. (Moseley, Jonathon) (Entered: 10/01/2021)
10/04/2021		MINUTE ORDER as to ZACHARY REHL (3) denying Rehl's <u>194</u> Motion for Waiver of Motion Formatting Rules Under Local Rules. Because the Local Rules of Criminal Procedure do not require a party to include a table of contents or table of authorities, no waiver is necessary. Thus, it is hereby ORDERED that Rehl's Motion for Waiver is DENIED. Signed by Judge Timothy J. Kelly on 10/4/2021. (lctjk1) (Entered: 10/04/2021)
10/06/2021	<u>198</u>	FIRST SUPPLEMENT and <i>Notice of Brady Material Produced After Bail Hearing on September 13 in Support of His Renewed Motion for Release of Accused Zachary Rehl from Pre-Trial Detention and Motion to Re-Open Detention Hearing re 190</i> by ZACHARY REHL. (Moseley, Jonathon) Modified text on 10/13/2021 (zltp). (Entered: 10/06/2021)
10/08/2021	<u>200</u>	SECOND SUPPLEMENT <i>documenting that Rehl was not an organizer of January 6 events</i> by ZACHARY REHL. (Moseley, Jonathon) Modified on 10/13/2021 (zltp). (Entered: 10/08/2021)
10/09/2021	<u>203</u>	THIRD SUPPLEMENT <i>disclosing Friday dawn FBI raid Oct 8 of Rehl's friend and Proud Boys deputy Aaron Whallon Wollkind showing FBI still trying to find evidence against Rehl</i> by ZACHARY REHL. (Moseley, Jonathon) Modified text on 10/13/2021 (zltp). (Entered: 10/09/2021)
10/10/2021	<u>204</u>	MOTION to Compel <i>Supporting Documents of Rehl's alleged (uncited) statements or quotes upon which the Government relies for his indictment and arrest ad for continued prosecution of Rehl</i> by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 10/10/2021)
10/11/2021	<u>205</u>	Consent MOTION for Order Setting Briefing Schedule by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 10/11/2021)
10/13/2021		MINUTE ORDER as to ZACHARY REHL (3) granting the Government's <u>205</u> Consent Motion for Order Setting Briefing Schedule. It is hereby ORDERED that the Government shall file its responses to Defendant Rehl's <u>184</u> motion for a bill of particulars, <u>185</u> <u>186</u> motion for issuance of a subpoena to U.S. Capitol Police, <u>190</u> <u>191</u> motion for release and to re-open his detention hearing and <u>198</u> <u>200</u> <u>203</u> supplemental filings, and <u>204</u> motion to compel discovery by October 15, 2021. It is further ORDERED that Defendant Rehl shall file any reply in support of the above motions by Friday, October 22, 2021. Signed by Judge Timothy J. Kelly on 10/13/2021. (lctjk1) (Entered: 10/13/2021)
10/13/2021	<u>206</u>	NOTICE of Judge Lamberth's Contempt Order against Warden of D.C. Jail for Civil Rights Violation <i>re January 6 Detainee</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re 122 MOTION for Bond and <i>to reopen Detention Decision pursuant to § 3142(f)</i> (Smith, Nicholas) (Entered: 10/13/2021)
10/15/2021	<u>208</u>	Memorandum in Opposition by USA as to ZACHARY REHL re <u>184</u> MOTION for Bill of Particulars <i>pursuant to analysis by Judge Amit Mehta of unidentified, unknown number of those aided and abetted and conspired with, 185</i> MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law, 204</i>

		MOTION to Compel Supporting Documents of Rehl's alleged (uncited) statements or quotes upon which the Government relies for his indictment and arrest ad for continued prosecution of Rehl, <u>186</u> Amended MOTION Issuance Of A Subpoena To The U.S. Capitol Police with included memorandum of law (Jones, Luke) (Entered: 10/15/2021)
10/15/2021	<u>209</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Kenerson, Erik Michael added. (Kenerson, Erik) (Entered: 10/15/2021)
10/15/2021	<u>210</u>	Memorandum in Opposition by USA as to ZACHARY REHL re 192 MOTION Re-Open Detention Hearing, <u>203</u> Supplemental MOTION for Release from Custody by pre-trial release on bail, disclosing Friday dawn FBI raid Oct 8 of Rehl's friend and Proud Boys deputy Aaron Whallon Wollkind showing FBI still trying to find evidence against Rehl, <u>190</u> MOTION for Release from Custody , Renewed Motion For Release From Pre-Trial Detention and Motion To Re-Open Detention Hearing, <u>200</u> MOTION for Release from Custody from pre-trial detention, 2nd Supplement documenting that Rehl was not an organizer of January 6 events, <u>198</u> MOTION for Release from Custody Zachary Rehls Supplement And Notice Of Brady Material Produced After Bail Hearing On September 13 In Support Of His Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open D, <u>191</u> MOTION for Release from Custody Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing (Attachments: # <u>1</u> Exhibit 1 – ICANN Lookup, # <u>2</u> Exhibit 2 – GiveSendGo Screenshot)(Kenerson, Erik) (Entered: 10/15/2021)
10/20/2021		NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3): Telephonic/VTC Status Conference set for 10/26/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 10/20/2021)
10/21/2021	<u>211</u>	NOTICE of remote hearing access limitations for Zachary Rehl at Philadelphia Detention Center by ZACHARY REHL (Moseley, Jonathon) (Entered: 10/21/2021)
10/25/2021	<u>212</u>	REPLY TO OPPOSITION to Motion by ZACHARY REHL re <u>184</u> MOTION for Bill of Particulars pursuant to analysis by Judge Amit Mehta of unidentified, unknown number of those aided and abetted and conspired with, <u>204</u> MOTION to Compel Supporting Documents of Rehl's alleged (uncited) statements or quotes upon which the Government relies for his indictment and arrest ad for continued prosecution of Rehl (Attachments: # <u>1</u> Exhibit Letter requesting transmission of Brady discovery over technical problems)(Moseley, Jonathon) (Entered: 10/25/2021)
10/25/2021	<u>213</u>	NOTICE OF FILING VIDEO EXHIBITS by ZACHARY REHL re <u>191</u> MOTION for Release from Custody Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing (Moseley, Jonathon) (Entered: 10/25/2021)
10/25/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4): It is hereby ORDERED that the status conferences scheduled for tomorrow, October 26, 2021, at 10:00 a.m. and 11:00 a.m. are VACATED. The parties shall contact the Courtroom Deputy at (202) 354-3495 to set a new date. Signed by Judge Timothy J. Kelly on 10/25/2021. (lctjk1) (Entered: 10/25/2021)
10/25/2021	<u>214</u>	STATUS REPORT Regarding Discovery as of October 21, 2021 by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES

		DONOHUE (Jones, Luke) (Entered: 10/25/2021)
10/27/2021		NOTICE OF HEARING as to ZACHARY REHL (3): VTC Status Conference/Motion Hearing set for 11/2/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 10/27/2021)
10/27/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): VTC Status Conference set for 11/3/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 10/27/2021)
10/31/2021	<u>215</u>	NOTICE of Filing of Supplemental Authority, Memorandum Opinion of Judge Royce Lamberth in USA v. Russell Taylor by ZACHARY REHL re <u>191</u> MOTION for Release from Custody Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing (Attachments: # <u>1</u> Exhibit Memorandum Opinion in USA v. Russell Taylor Case No. 1:21-cr-392-RCL-2, by Judge Royce Lamberth)(Moseley, Jonathon) (Entered: 10/31/2021)
11/02/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing/Status Conference as to ZACHARY REHL (3) held on 11/2/2021. Defendant appeared by video. Oral argument heard and taken under advisement as to defendant's <u>190</u> MOTION for Release from Custody and, <i>Renewed Motion For Release From Pre-Trial Detention and Motion To Re-Open Detention Hearing</i> . Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Jonathon Alden Moseley; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 11/02/2021)
11/02/2021	<u>216</u>	NOTICE Regarding Discovery Correspondence by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Attachments: # <u>1</u> 9/21/2021 Letter (All Defendants), # <u>2</u> 10/15/2021 Letter (All Defendants), # <u>3</u> 10/21/2021 Letter (All Defendants))(Jones, Luke) (Entered: 11/02/2021)
11/03/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) held on 11/3/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHUE appeared by video. Defendant REHL's Appearance was Waived. Scheduling Order to be entered by the court. Speedy Trial Excludable (XT) started nunc pro tunc 10/26/2021 through 12/7/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 12/7/2021 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 11/03/2021)
11/03/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): It is hereby ORDERED, for the reasons explained on the record at the status conference today, that the time period from October 26, 2021 to December 7, 2021 is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i> The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and Defendants in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), for the reasons explained on the record: (1) the

		Government's ongoing production of voluminous discovery to Defendants; and (2) the public health limitations on the Court's ability to try a multi-defendant, six-week trial, as reflected in Standing Order No. 21-62: <i>In Re: Updated Status of Court Operations, including Jury Trials, and Speedy Trial Act Exclusions in Light of the Current Circumstances Relating to the COVID-19 Pandemic</i> , the findings of which the Court adopts after consideration of the specific circumstances of this case, and the Court's Continuity of Operations Plan referenced in that Order. The Court also notes, as acknowledged by the parties, that time is also excluded under the Speedy Trial Act during this time, in light of the Court's request for additional briefing on the pending <u>94</u> First Motion to Dismiss. See 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021)
11/05/2021	<u>218</u>	STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 11/05/2021)
11/10/2021	<u>221</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)</p>
11/12/2021	<u>223</u>	NOTICE of Private Letter to Judge and AUSA in support of bail and home conditions by ZACHARY REHL (Moseley, Jonathon) (Entered: 11/12/2021)
11/12/2021	228	MOTION for Leave to File Confidential Letters From Wife Regarding Bailby ZACHARY REHL. (See Docket Entry <u>223</u> to View Document). (zhsj) (Entered: 11/23/2021)
11/15/2021		MINUTE ORDER as to ZACHARY REHL (3) denying Defendant's <u>223</u> Motion. It is hereby ORDERED that Defendant Rehl's motion asking the Court to accept a letter from his wife via mail is DENIED. Defendant is directed to Local Criminal Rule 49(f)(1), which states that "[e]xcept when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing." Defendant Rehl may seek leave to file the letter on the public docket, or, if warranted, to file it under seal. Signed by Judge Timothy J. Kelly on 11/15/2021. (lctjk1) (Entered: 11/15/2021)
11/18/2021	<u>225</u>	



		Unopposed MOTION for Joinder <i>in and support of Motion to Dismiss First Superseding Complaint filed by Ethan Nordean</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 11/18/2021)
11/19/2021		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>225</u> Unopposed Motion to Join Defendant Nordean's <u>94</u> Motion to Dismiss. It is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant Rehl may file a response to the Government's 224 Supplement under the timeline outlined in this Court's November 3, 2021 Minute Order. Signed by Judge Timothy J. Kelly on 11/19/2021. (lctjk1) (Entered: 11/19/2021)
11/19/2021		Set/Reset Deadlines as to ZACHARY REHL (3): Response due by 11/24/2021. (zkh) (Entered: 11/19/2021)
11/19/2021	<u>227</u>	SUPPLEMENT by ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re Order,,,,,, Set Deadlines,,,,, <i>Supplemental Brief In Support Of 94 Ethan Nordeans Motion To Dismiss The First Superseding Indictment</i> (Attachments: # <u>1</u> Exhibit A: Memorandum of Attorney John Eastman, publicly released by CNN, requiring that Joint Session of Congress meet)(Moseley, Jonathon) Modified to include linkage on 11/30/2021 (zltp). (Entered: 11/19/2021)
11/23/2021	<u>230</u>	MOTION for Discovery of <i>Grand Jury Transcript, Minutes, Notes, and Evidentiary Exhibits</i> by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Letter September 24 for Grand Jury Transcript, # <u>3</u> Exhibit Email reminder October 29, # <u>4</u> Exhibit Letter reminder Nov. 23, # <u>5</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 11/23/2021)
11/23/2021	<u>231</u>	MOTION for Hearing upon Zachary Rehls Request For Scheduling Hearing, Argument, And Decision On Motion For Grand Jury Information by ZACHARY REHL. (Moseley, Jonathon) (Entered: 11/23/2021)
11/23/2021	<u>232</u>	Amended MOTION for Hearing upon Zachary Rehls Request For Scheduling Hearing, Argument, And Decision On Motion For Grand Jury Information by ZACHARY REHL. (Moseley, Jonathon) (Entered: 11/23/2021)
11/25/2021	<u>234</u>	MOTION to Compel Brady disclosures and discovery previously delivered to prior counsel but still not available to current counsel by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Letter Transmitting Physical Delivery of 3 empty external hard drives for Government's Use, # <u>3</u> Exhibit Letter Identifying Problems with Digital Media transmitting Brady disclosures and discovery, # <u>4</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 11/25/2021)
11/30/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): The VTC Status Conference currently set for 12/7/2021 is <b>RESCHEDULED</b> for 12/14/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 11/30/2021)
12/01/2021	<u>235</u>	ERRATA by ZACHARY REHL re <u>227</u> <i>Supplemental Brief In Support Of Ethan Nordeans Motion To Dismiss The First Superseding Indictment</i> (Moseley, Jonathon) Modified text on 12/16/2021 (zltp). (Entered: 12/01/2021)
12/03/2021	<u>236</u>	REPLY by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE <i>Reply To The Defendants' Responses To 224 The United States' Supplemental Brief On 18 U.S.C. § 1512(C)(2)</i> (Jones, Luke) Modified to

		include linkage on 12/7/2021 (zltf). (Entered: 12/03/2021)
12/05/2021	<u>237</u>	Unopposed MOTION Direction to pre-trial services to interview Defendant to qualify for public defender <i>Motion For Instructions For Evaluation For Qualifying For Public Defender</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 12/05/2021)
12/06/2021	<u>239</u>	MOTION for Extension of Time to File Response/Reply to <i>to Motions to Compel (ECF 230, 234)</i> by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 12/06/2021)
12/07/2021	<u>241</u>	RESPONSE by ZACHARY REHL re <u>239</u> MOTION for Extension of Time to File Response/Reply to <i>to Motions to Compel (ECF 230, 234)</i> (Attachments: # <u>1</u> Exhibit Email, # <u>2</u> Exhibit Email, # <u>3</u> Exhibit Letter, # <u>4</u> Exhibit Letter, # <u>5</u> Exhibit Letter)(Moseley, Jonathon) (Entered: 12/07/2021)
12/07/2021	<u>242</u>	NOTICE of Attorney Status by ZACHARY REHL (Moseley, Jonathon) (Entered: 12/07/2021)
12/08/2021		MINUTE ORDER as to ZACHARY REHL (3) granting the Government's <u>239</u> Motion for an Extension of Time to Respond to Defendant's Motions to Compel. It is hereby ORDERED, for good cause shown, that the Government's motion is GRANTED. It is further ORDERED that the Government shall respond to Defendant Rehl's Motions to Compel by December 16, 2021. Signed by Judge Timothy J. Kelly on 12/8/2021. (lctjk1) (Entered: 12/08/2021)
12/08/2021	<u>244</u>	MOTION for Reconsideration re Order on Motion for Extension of Time to File Response/Reply,, Set/Reset Deadlines, by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit)(Moseley, Jonathon) (Entered: 12/08/2021)
12/09/2021	<u>246</u>	MOTION to Withdraw as Attorney <i>Conditional on Documentation of available attorney</i> by Jonathon A. Moseley. by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Email Sept 7 2021 from Shelli Peterson, # <u>3</u> Exhibit Attachment to Email Sept 7 2021 from Shelli Peterson, # <u>4</u> Exhibit Email December 8 from Shelli Peterson, # <u>5</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 12/09/2021)
12/12/2021	<u>249</u>	SUPPLEMENT by ZACHARY REHL re <u>246</u> MOTION to Withdraw as Attorney <i>Conditional on Documentation of available attorney</i> by Jonathon A. Moseley. (Moseley, Jonathon) (Entered: 12/12/2021)
12/13/2021	<u>250</u>	SUPPLEMENT by ZACHARY REHL <i>Defendant Zachary Rehls Second Supplemental Brief In Support Of Ethan Nordean's 94 Motion To Dismiss The First Superseding Indictment re: Nordean's Notice of Supplemental Authority</i> (Moseley, Jonathon) Modified to include linkage on 12/16/2021 (zltf). (Entered: 12/13/2021)
12/14/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 12/14/2021. Defendant appeared by video. For the reasons stated on the record, defendant's <u>246</u> MOTION to Withdraw as Attorney is GRANTED. Jonathon Alden Moseley is terminated as counsel for the defendant and Carmen D. Hernandez is appointed under the CJA to represent Defendant REHL(3). Joint Status Report due by 12/21/2021. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Jonathon Alden Moseley, Michelle M. Peterson, and Carmen D. Hernandez; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough,Erik Michael

		Kenerson, and James Pearce. (zkh) (Entered: 12/14/2021)
12/14/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 12/14/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. For the reasons stated on the record, the 122 MOTION for Bond by defendant NORDEAN, 137 MOTION for Bond by defendant BIGGS, <u>190</u> MOTION for Release from Custody and 192 MOTION to Re-Open Detention Hearing both by defendant REHL, are all DENIED. Speedy Trial Excludable (XT) started 12/14/2021 through 1/11/2022, in the interest of justice, as to ALL defendants. Government Submission due by 12/21/2021. Defense Responses due by 12/30/2021. Government Reply due by 1/6/2022. VTC Status Conference set for 1/11/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson and James Pearce. (zkh) (Entered: 12/14/2021)
12/14/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), and ZACHARY REHL (3), denying Defendants' 122 137 <u>190</u> Motions to Reopen Bail Proceedings. It is hereby ORDERED, for the reasons set forth on the record today and below, that Defendants Nordean, Biggs, and Rehl's motions to reopen bail proceedings are DENIED. Further, the Court notes that even if the conditions proposed by Nordean included a ban on his possession of electronic devices—a ban that could make it hard for him to review electronic evidence in the case—and even if he abided by that condition, he would still have access to less sophisticated means of communication, such as the use of a land-line telephone or the regular mail, that he could use to exercise leadership, conduct planning, and communicate with associates. Signed by Judge Timothy J. Kelly on 12/14/2021. (lctjk1) (Entered: 12/14/2021)
12/15/2021	<u>251</u>	NOTICE OF ATTORNEY APPEARANCE: Carmen D. Hernandez appearing for ZACHARY REHL (Hernandez, Carmen) (Entered: 12/15/2021)
12/17/2021	<u>254</u>	TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 12-14-21; Page Numbers: 1-47; Date of Issuance: 12-17-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>  For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.

		Redaction Request due 1/7/2022. Redacted Transcript Deadline set for 1/17/2022. Release of Transcript Restriction set for 3/17/2022.(Miller, Timothy) (Entered: 12/17/2021)
12/21/2021	<u>256</u>	Joint STATUS REPORT <i>Regarding Motions Filed by Prior Counsel</i> by USA as to ZACHARY REHL (Jones, Luke) (Entered: 12/21/2021)
12/21/2021	<u>257</u>	NOTICE <i>Government's Submission Regarding Defendants' Ability to Confer with Counsel and Prepare for Trial</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Jones, Luke) (Entered: 12/21/2021)
12/28/2021	<u>262</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4), denying Defendants' <u>94</u> 105 128 <u>225</u> Motion to Dismiss. See Order for details. Signed by Judge Timothy J. Kelly on 12/28/2021. (lctjk1) (Entered: 12/28/2021)
12/28/2021	<u>263</u>	MEMORANDUM OPINION as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4), in support of <u>262</u> ORDER denying Defendants' <u>94</u> 105 128 <u>225</u> Motion to Dismiss. Signed by Judge Timothy J. Kelly on 12/28/2021. (lctjk1) (Entered: 12/28/2021)
12/28/2021	<u>264</u>	NOTICE OF APPEAL (Interlocutory) by ZACHARY REHL re Order on Motion for Bond,,,,,,, Order on Motion for Hearing,,,, Order on Motion for Release from Custody,,, Order on Motion for Miscellaneous Relief,,, Fee Status: No Fee Paid. Parties have been notified. (Hernandez, Carmen) (Entered: 12/28/2021)
12/29/2021	<u>269</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to ZACHARY REHL re <u>264</u> Notice of Appeal – Interlocutory. (zltpt) (Entered: 12/29/2021)
01/03/2022		USCA Case Number as to ZACHARY REHL 21–3098 for <u>264</u> Notice of Appeal – Interlocutory filed by ZACHARY REHL. (zltpt) (Entered: 01/04/2022)
01/06/2022	<u>272</u>	REPLY by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE re: <u>257</u> <i>Regarding Defendants' Ability to Confer With Counsel and Prepare for Trial</i> (Jones, Luke) Modified text to include linkage on 1/26/2022 (zltpt). (Entered: 01/06/2022)
01/11/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) held on 1/11/2022. Defendant NORDEAN (1) appeared by audio. Defendants BIGGS (2), and DONOHUE (4) appeared by video. Defendant REHL (3) NOT PRESENT. Oral argument heard and taken under advisement. VTC Status Conference set for 2/8/2022 at 10:00 AM before Judge Timothy J. Kelly. Government's notification to defendants of any 404(b) evidence due by 2/11/2022. Pretrial Motions due by 3/16/2022. Responses due by 3/30/2022. Replies due by 4/6/2022. Pretrial Statement due by 4/13/2022. VTC Pretrial Conference set for 4/22/2022 at 9:30 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 4–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 4–Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson. (zkh)

		(Entered: 01/11/2022)
01/11/2022	<u>273</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 9-21-21; Page Numbers: 1-24; Date of Issuance: 1-11-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 2/1/2022. Redacted Transcript Deadline set for 2/11/2022. Release of Transcript Restriction set for 4/11/2022.(Miller, Timothy) (Entered: 01/11/2022)</p>
01/11/2022	<u>274</u>	<p>TRANSCRIPT OF STATUS CONFERENCE/MOTION HEARING in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE before Judge Timothy J. Kelly held on 9-21-21; Page Numbers: 1-83; Date of Issuance: 1-11-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 2/1/2022. Redacted Transcript Deadline set for 2/11/2022. Release of Transcript Restriction set for 4/11/2022.(Miller, Timothy) (Entered: 01/11/2022)</p>
01/11/2022	<u>275</u>	<p>TRANSCRIPT OF MOTION HEARING/STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 11-2-21; Page Numbers: 1-41; Date of Issuance: 1-11-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above.</p>



		<p>After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 2/1/2022. Redacted Transcript Deadline set for 2/11/2022. Release of Transcript Restriction set for 4/11/2022.(Miller, Timothy) (Entered: 01/11/2022)</p>
01/11/2022	<u>276</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 12–14–21; Page Numbers: 1–20; Date of Issuance: 1–11–22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court report er referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 2/1/2022. Redacted Transcript Deadline set for 2/11/2022. Release of Transcript Restriction set for 4/11/2022.(Miller, Timothy) (Entered: 01/11/2022)</p>
01/21/2022	<u>282</u>	<p><b>PRETRIAL MOTIONS BRIEFING SCHEDULE VACATED PURSUANT TO ORDER FILED 3/9/2022.....</b> SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 1/21/2022. (lctjk1) Modified to vacate schedule on 3/9/2022 (zkh). (Entered: 01/21/2022)</p>
02/07/2022	<u>285</u>	<p>NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 11/30/2021 Letter (Nordean), # <u>2</u> 12/3/2021 Letter (Biggs), # <u>3</u> 12/13/2021 Letter (Donohoe), # <u>4</u> 12/14/2021 Letter (All Defendants), # <u>5</u> 12/17/2021 Letter (All Defendants), # <u>6</u> 12/23/2021 Letter (All Defendants), # <u>7</u> 12/27/2021 Letter (All Defendants), # <u>8</u> 1/14/2022 Letter (All Defendants), # <u>9</u> 1/21/2022 Letter (Rehl), # <u>10</u> 1/26/2022 Letter (Rehl), # <u>11</u> 1/28/2022 Letter (All Defendants), # <u>12</u> 1/30/2022 Letter (All Defendants), # <u>13</u> 1/31/2022 Letter (All Defendants), # <u>14</u> 2/1/2022 Letter (All Defendants), # <u>15</u> 2/1/2022 Letter (All Defendants), # <u>16</u> 2/1/2022 Letter (All Defendants), # <u>17</u> 2/4/2022 Letter (All Defendants), # <u>18</u> 2/4/2022 Letter (All Defendants))(Jones, Luke) (Main Document 285 replaced on 2/8/2022) (zltp). (Entered: 02/07/2022)</p>

02/08/2022	<u>286</u>	MOTION to Adopt Motion of Codefendant Nordean by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) Modified event type on 2/8/2022 (zltp). (Entered: 02/08/2022)
02/08/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 2/8/2022. ALL defendants appeared by video. Speedy Trial Excludable (XT) started 2/8/2022 through 3/8/2022, in the interest of justice, as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4). VTC Status Conference set for 3/8/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 2--Remains Committed, 3--Remains Committed, 4--Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 2--John Daniel Hull, IV, 3--Carmen D. Hernandez, 4--Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, and Erik Michael Kenerson. (zkh) (Entered: 02/08/2022)
02/09/2022	<u>287</u>	MOTION for Order Limited Unsealing of Transcript for Provision to the Parties by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 02/09/2022)
02/09/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) granting the Government's <u>287</u> Motion for Limited Unsealing of the Transcript of the Hearing on February 8, 2022. It is hereby ORDERED that, for good cause shown, the sealed transcript from the February 8, 2022, hearing is unsealed for the limited purpose of allowing the court reporter to provide copies of the sealed transcript to the parties in this case. It is further ORDERED that the transcript shall remain sealed for all other purposes. Signed by Judge Timothy J. Kelly on 2/9/2022. (lctjk1) (Entered: 02/09/2022)
02/09/2022		MINUTE ORDER as to Zachary Rehl (3) granting in part and denying in part Rehl's <u>286</u> Motion to Adopt Motion of Codefendant Nordean. It is hereby ORDERED that Rehl's motion is GRANTED as it pertains to joining Defendant Nordean's sealed 266 motion. But Rehl also moves "to join and adopt" all future "motions filed by co-defendants unless he moves not to adopt and join a particular motion." ECF No. 286 at 1. It is hereby ORDERED that this request for joining all future motions is DENIED. Rehl may move to join any motion filed by a co-defendant after the motion is filed. Signed by Judge Timothy J. Kelly on 2/9/2022. (lctjk1) (Entered: 02/09/2022)
02/10/2022	<u>290</u>	STATUS REPORT <i>Regarding Discovery as of February 9, 2022</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 02/10/2022)
02/11/2022	<u>291</u>	NOTICE of Correspondence Pursuant To Federal Rule of Evidence 404(b) by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Kenerson, Erik) (Entered: 02/11/2022)
03/07/2022	<u>304</u>	STATUS REPORT <i>REGARDING DISCOVERY AND THE UPCOMING TRIAL DATE</i> by ZACHARY REHL (Hernandez, Carmen) (Entered: 03/07/2022)
03/07/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) granting in part and denying in part the Government's <u>299</u> Motion to Continue. The Government moved to continue the status conferences scheduled for March 8, 2022, to March 15, 2022. But Nordean's counsel is unavailable March 15, 2022. <i>See</i> ECF No. 300 at 2. Accordingly, it is

		hereby ORDERED that the status conferences scheduled for tomorrow, March 8, 2022, are VACATED and will be rescheduled promptly. Signed by Judge Timothy J. Kelly on 3/7/2022. (lctjk1) (Entered: 03/07/2022)
03/07/2022	<u>305</u>	SECOND SUPERSEDING INDICTMENT as to ETHAN NORDEAN (1) count(s) 1ss, 2ss, 3ss, 4ss-5ss, 6ss-7ss, JOSEPH R. BIGGS (2) count(s) 1s, 2s, 3s, 4s-5s, 6s-7s, ZACHARY REHL (3) count(s) 1s, 2s, 3s, 4s-5s, 6s-7s, CHARLES DONOHUE (4) count(s) 1s, 2s, 3s, 4s-5s, 6s-7s, ENRIQUE TARRIO (5) count(s) 1, 2, 3, 4-5, 6-7, DOMINIC J. PEZZOLA (6) count(s) 1, 2, 3, 4-5, 6-7, 8. (zltp) Modified on 3/8/2022 to correct counts.(ztnr) (Entered: 03/08/2022)
03/07/2022	<u>307</u>	MOTION to Seal Case by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Entered: 03/08/2022)
03/07/2022	<u>308</u>	ORDER granting <u>307</u> Motion to Seal Case as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6). Signed by Magistrate Judge Zia M. Faruqui on 3/7/2022. (zltp) (Entered: 03/08/2022)
03/08/2022		Case unsealed as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (zltp) (Entered: 03/08/2022)
03/09/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): In light of the filing of the <u>305</u> Second Superseding Indictment, which joins several new Defendants and includes new allegations and charges, it is hereby ORDERED that the pretrial motions briefing schedule set in the <u>282</u> Scheduling Order is VACATED. Signed by Judge Timothy J. Kelly on 3/9/2022. (lctjk1) (Entered: 03/09/2022)
03/09/2022		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4). (zkh) (Entered: 03/09/2022)
03/09/2022		Set/Reset Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4). VTC Pretrial Conference/Motion Hearing set for 4/22/2022 at 9:30 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. (zkh) (Entered: 03/09/2022)
03/13/2022	<u>311</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE before Judge Timothy J. Kelly held on 2-8-22; Page Numbers: 1-37; Date of Issuance: 3-13-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made</p>



		<p>available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 4/3/2022. Redacted Transcript Deadline set for 4/13/2022. Release of Transcript Restriction set for 6/11/2022.(Miller, Timothy) (Entered: 03/13/2022)</p>
03/14/2022		<p>NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): VTC Arraignment/Status Conference set for 3/22/2022 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 03/14/2022)</p>
03/21/2022		<p>NOTICE OF HEARING as to ZACHARY REHL (3): The VTC Arraignment/Status Conference currently set for 3/22/2022 is <b>RESCHEDULED</b> for 3/23/2022 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 03/21/2022)</p>
03/21/2022	<u>314</u>	<p>MOTION to Vacate <i>Trial Date</i>, MOTION to Exclude <i>Time under the Speedy Trial Act</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 03/21/2022)</p>
03/23/2022		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ETHAN NORDEAN (1) as to Counts 1ss, 2ss, 3ss, 4ss–5ss, and 6ss–7ss and as to ZACHARY REHL (3) as to Counts 1s, 2s, 3s, 4s–5s, and 6s–7s held on 3/23/2022. Defendant NORDEAN (1) appeared in person. Defendant REHL (3) appeared by video. Plea of NOT GUILTY entered by ETHAN NORDEAN (1) as to Counts 1ss, 2ss, 3ss, 4ss–5ss, and 6ss–7ss and by ZACHARY REHL (3) as to Counts 1s, 2s, 3s, 4s–5s, and 6s–7s. Speedy Trial Excludable (XT) started 3/23/2022 through 4/5/2022, in the interest of justice, as to ETHAN NORDEAN (1) and ZACHARY REHL (3). Any response to Government's <u>314</u> MOTION to Vacate <i>Trial Date</i> due by 3/25/2022. Any reply by the government due by 3/30/2022. VTC Status Conference set for 4/5/2022 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 3–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 2–Nicholas D. Smith, 3–Carmen D. Hernandez; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 03/23/2022)</p>
03/24/2022		<p>MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): Defendants Nordean, Biggs, Rehl, and Donohoe have orally opposed the Government's <u>314</u> Motion to Vacate Trial Date. It is hereby ORDERED that these Defendants shall file by tomorrow, March 25, 2022, in addition to any written opposition to the motion they may file, a status report representing whether they would be prepared to go forward with trial on May 18, 2022, if the Court denied the Government's <u>314</u> Motion. Signed by Judge Timothy J. Kelly on 3/24/2022. (lctjk1) (Entered: 03/24/2022)</p>
03/25/2022	<u>322</u>	<p>TRANSCRIPT OF ARRAIGNMENT &amp; STATUS CONFERENCE in case as to ETHAN NORDEAN, ZACHARY REHL before Judge Timothy J. Kelly held on 3–23–22; Page Numbers: 1–41; Date of Issuance: 3–25–22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or pur chased from the court reporter referenced above.</p>

		<p>After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 4/15/2022. Redacted Transcript Deadline set for 4/25/2022. Release of Transcript Restriction set for 6/23/2022.(Miller, Timothy) (Entered: 03/25/2022)</p>
03/26/2022	<u>325</u>	RESPONSE by ZACHARY REHL re <u>314</u> MOTION to Vacate <i>Trial Date</i> MOTION to Exclude <i>Time under the Speedy Trial Act</i> (Hernandez, Carmen) (Entered: 03/26/2022)
03/30/2022	<u>327</u>	REPLY in Support by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>314</u> MOTION to Vacate <i>Trial Date</i> MOTION to Exclude <i>Time under the Speedy Trial Act</i> (Kenerson, Erik) (Entered: 03/30/2022)
04/05/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 4/5/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. Presence waived for defendants NORDEAN (1), REHL (3), and DONOHUE (4). For the reasons stated on the record, order to be entered by the court vacating the current Jury Selection/Trial set for May 18, 2022. Speedy Trial Excludable (XT) started 4/5/2022 through 4/21/2022, in the interest of justice, as to ALL defendants. VTC Status Conference set for 4/21/2022 at 2:00 PM before Judge Timothy J. Kelly. Discovery due by 6/17/2022. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 4–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Nancy Meyer; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 4–Ira Knight and Lisa S. Costner, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Luke Matthew Jones, Erik Michael Kenerson, and Jason Bradley Adam McCullough. (zkh) (Entered: 04/05/2022)
04/06/2022	<u>332</u>	STATUS REPORT <i>Regarding Due Date for Report and Recommendation</i> by SANTHA SONENBERG as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Sonenberg, Santha) (Entered: 04/06/2022)
04/07/2022	<u>334</u>	NOTICE of <i>Trial Availability</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Smith, Nicholas) (Entered: 04/07/2022)
04/12/2022	<u>338</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>314</u> Motion to Vacate Trial Date and to Exclude Time Under the Speedy Trial Act. See Order for details. Signed by Judge

		Timothy J. Kelly on 4/12/2022. (lctjk1) (Entered: 04/12/2022)
04/13/2022		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4), ENRIQUE TARRIO(5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/13/2022)
04/15/2022	<u>340</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE before Judge Timothy J. Kelly held on 1-11-22; Page Numbers: 1-59; Date of Issuance: 4-15-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/6/2022. Redacted Transcript Deadline set for 5/16/2022. Release of Transcript Restriction set for 7/14/2022.(Miller, Timothy) (Entered: 04/15/2022)</p>
04/21/2022	<u>344</u>	MOTION to Compel <i>GOVERNMENT TO PROVIDE NOTICE OF INTENT TO USE SPECIFIED EVIDENCE IN ITS CASE- IN-CHIEF AT TRIAL</i> by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 04/21/2022)
04/21/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 4/21/2022. Appearance by ALL defendants WAIVED. Scheduling order to be entered by the court. Speedy Trial Excludable (XT) started 4/21/2022 through 5/19/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). VTC Control Status Hearing set for 5/19/2022 at 2:00 PM before Judge Timothy J. Kelly. VTC Pretrial Conference/Motion Hearing set for 7/13/2022 at 10:00 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 8/8/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorney: Luke Matthew Jones, Erik Michael Kenerson, and Jason Bradley Adam McCullough. (zkh) (Entered: 04/21/2022)
04/22/2022	<u>346</u>	<b>VACATED PURSUANT TO ORDER FILED 6/24/2022.....</b> SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL

		(3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 4/22/2021. (lctjk1) Modified to vacate on 6/24/2022 (zkh). (Entered: 04/22/2022)
04/22/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Because Defendants in this case made their initial appearances in different district courts across the country, it is not clear based on the docket that the Government was given the warnings the Due Process Protections Act requires. Thus, pursuant to the Due Process Protections Act, the Court hereby ORDERS that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Timothy J. Kelly on 4/22/2022. (lctjk1) (Entered: 04/22/2022)
04/22/2022		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Joint Pretrial Statement due by 7/6/2022. (zkh) (Entered: 04/22/2022)
04/28/2022		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): VTC Discovery Hearing set for 5/2/2022 at 3:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/28/2022)
04/28/2022	<u>347</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 4-21-22; Page Numbers: 1-79; Date of Issuance: 4-28-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/19/2022. Redacted Transcript Deadline set for 5/29/2022. Release of Transcript Restriction set for 7/27/2022.(Miller, Timothy) (Entered: 04/28/2022)</p>
04/29/2022	<u>348</u>	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> 2/18/2022 Letter (All Defendants), # <u>2</u> 2/21/2022 Letter (All Defendants), # <u>3</u> 3/1/2022 Letter (All

		Defendants), # <u>4</u> 3/1/2022 Letter (All Defendants), # <u>5</u> 3/2/2022 Letter (All Defendants), # <u>6</u> 3/2/2022 Letter (All Defendants), # <u>7</u> 3/4/2022 Letter (All Defendants), # <u>8</u> 3/14/2022 Letter (All Defendants), # <u>9</u> 4/7/2022 Letter (All Defendants), # <u>10</u> 4/13/2022 Letter (All Defendants), # <u>11</u> 4/20/2022 Letter (Tarrío, Pezzola), # <u>12</u> 4/21/2022 Letter (All Defendants), # <u>13</u> 4/22/2022 Letter (All Defendants), # <u>14</u> 4/28/2022 Letter (All Defendants))(Jones, Luke) (Entered: 04/29/2022)
05/02/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Discovery Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 5/2/2022. Defendants NORDEAN (1), BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of REHL (3) was WAIVED. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Luke Matthew Jones, Erik Michael Kenerson, Jason Bradley Adam McCullough, and Emily Miller; USMS: Derek Haywood, Charles Miracle, and Lamont Ruffin. (zkh) (Entered: 05/02/2022)
05/05/2022	<u>353</u>	Memorandum in Opposition by USA as to ZACHARY REHL re <u>344</u> MOTION to Compel <i>GOVERNMENT TO PROVIDE NOTICE OF INTENT TO USE SPECIFIED EVIDENCE IN ITS CASE–IN–CHIEF AT TRIAL</i> (Jones, Luke) (Entered: 05/05/2022)
05/13/2022	<u>355</u>	NOTICE OF WITHDRAWAL OF APPEARANCE of Assistant U.S. Attorney Luke M. Jones by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Jones, Luke) (Entered: 05/13/2022)
05/13/2022	<u>356</u>	NOTICE OF ATTORNEY APPEARANCE Nadia Moore appearing for USA. (Moore, Nadia) (Entered: 05/13/2022)
05/13/2022	<u>357</u>	NOTICE OF ATTORNEY APPEARANCE Conor Mulroe appearing for USA. (Mulroe, Conor) (Entered: 05/13/2022)
05/18/2022		MINUTE ORDER as to ZACHARY REHL (3): It is hereby ORDERED that Rehl and the Government shall be prepared to argue Rehl's <u>344</u> Motion to Compel Government to Provide Notice of Intent to Use Specified Evidence In Its Case–In–Chief At Trial during tomorrow's status conference. Signed by Judge Timothy J. Kelly on 5/18/2022. (lctjk1) (Entered: 05/18/2022)
05/19/2022	<u>364</u>	REPLY in Support by ZACHARY REHL re <u>344</u> MOTION to Compel <i>GOVERNMENT TO PROVIDE NOTICE OF INTENT TO USE SPECIFIED EVIDENCE IN ITS CASE–IN–CHIEF AT TRIAL</i> (Hernandez, Carmen) (Entered: 05/19/2022)
05/19/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Control Status Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 5/19/2022. Defendants NORDEAN (1), BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of REHL (3) was WAIVED. Oral argument heard on Defendant REHL's <u>344</u> MOTION to Compel, and taken under advisement. Speedy Trial Excludable (XT) started 5/19/2022 through 6/2/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3),



		ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). VTC Control Status Hearing set for 6/2/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Erik Michael Kenerson, Jason Bradley Adam McCullough, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/19/2022)
05/19/2022	<u>365</u>	MOTION for Order Order Directing the Government to Identify Brady Material by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 05/19/2022)
05/25/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that, at the June 2, 2022, status conference, the parties shall be prepared to address a potential motion from Defendant Pezzola to substitute his counsel. Signed by Judge Timothy J. Kelly on 5/25/2022. (lctjk1) (Entered: 05/25/2022)
05/28/2022		MINUTE ORDER as to ZACHARY REHL (3): It is hereby ORDERED that, upon the request of Rehl and the Government, the motions at ECF Nos. <u>230</u> and <u>234</u> are WITHDRAWN. <i>See</i> ECF No. 256; <i>see also</i> Apr. 5, 2022 Tr. at 32. It is further ORDERED that, because these motions are withdrawn, the related motions at ECF Nos. <u>231</u> , <u>232</u> , and <u>244</u> are DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 5/28/2022. (lctjk1) (Entered: 05/28/2022)
05/28/2022		MINUTE ORDER as to ZACHARY REHL (3) denying as moot Rehl's <u>237</u> Motion to Direct Pre–Trial Services to Interview Defendant to Qualify for a Public Defender. Since the filing of this motion, the Court granted Rehl's counsel's motion to withdraw and appointed new counsel. Thus, it is ORDERED that Rehl's motion is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 5/28/2022. (lctjk1) (Entered: 05/28/2022)
05/28/2022		MINUTE ORDER as to ZACHARY REHL (3) denying without prejudice Rehl's <u>184</u> Motion for Bill of Particulars. Rehl's prior counsel filed a motion for a bill of particulars. <i>See</i> ECF No. <u>184</u> . Much of the motion focuses on disputing whether the Government has enough evidence to prove that Rehl was part of any conspiracy, or that he aided or abetted anyone. But those are issues for trial, not for a bill of particulars. <i>See</i> ECF No. 138 at 6–7. Beyond that, Rehl seemingly seeks the identities of every single co–conspirator. But "the general rule in conspiracy cases is that the defendant is not entitled to obtain detailed information about the conspiracy in a bill of particulars." <i>United States v. Sanford Ltd.</i> , 841 F. Supp. 2d 309, 317 (D.D.C. 2012). That is why courts largely have "not required [the Government] to disclose the identities of all members of the conspiracy." <i>Id.</i> ; <i>id.</i> at 318 (quoting <i>United States v. Diaz</i> , 303 F. Supp. 2d 84, 89 (D. Conn. 2004) ("Defendants in a conspiracy case may not obtain the whens, wheres, and with whoms in a bill of particulars." (cleaned up))). Rehl has not made any specific showing about why his case is different — especially in light of the extensive discovery he has already obtained. <i>See United States v. Mosquera–Murillo</i> , 153 F. Supp. 3d 130, 150–51 (D.D.C. 2015) (denying request for identities of co–conspirators where the government had already identified many, if not all, of the co–conspirators through materials produced in discovery). Rehl's new

		attorney may well have agreed to withdraw this motion, and to extent she wishes to renew it with the above in mind, she may. For now, it is hereby ORDERED that the motion is DENIED WITHOUT PREJUDICE. Signed by Judge Timothy J. Kelly on 5/28/2022. (lctjk1) (Entered: 05/28/2022)
06/02/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Control Status Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/2/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of NORDEAN (1) and REHL (3) was WAIVED. Oral Motion by Defendants BIGGS (2), REHL (3), and PEZZOLA (6) to join Defendant NORDEAN's <u>365</u> MOTION for Order Directing the Government to Identify Brady Material, heard and GRANTED. Speedy Trial Excludable (XT) started 6/2/2022 through 6/9/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). VTC Motion Hearing set for 6/9/2022 at 2:30 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Nadia Moore. (zkh) (Entered: 06/02/2022)
06/03/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that, for the reasons explained on the record at the status conference yesterday, the time period from June 2, 2022, until June 9, 2022, is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and Defendants in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), for the reasons explained on the record, specifically the Government's ongoing production of voluminous discovery to Defendants. In addition, the Court finds that the period is part of a "reasonable period of delay" when the defendants are "joined for trial with a codefendant as to whom the time for trial as not run and no motion for severance has been granted." 18 U.S.C. § 3161(h)(6). Signed by Judge Timothy J. Kelly on 6/3/2022. (lctjk1) (Entered: 06/03/2022)
06/06/2022	<u>377</u>	MOTION for Leave to Respond to the Press Release Issued by the Department of Justice by ZACHARY REHL. (Attachments: # <u>1</u> Supplement)(Hernandez, Carmen) (Entered: 06/06/2022)
06/06/2022	<u>380</u>	THIRD SUPERSEDING INDICTMENT as to ETHAN NORDEAN (1) count(s) 1sss, 2sss, 3sss, 4sss, 5sss, 6sss–7sss, 8sss–9sss, JOSEPH R. BIGGS (2) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss–7ss, 8ss–9ss, ZACHARY REHL (3) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss–7ss, 8ss–9ss, ENRIQUE TARRIO (5) count(s) 1s, 2s, 3s, 4s, 5s, 6s–7s, 8s–9s, DOMINIC J. PEZZOLA (6) count(s) 1s, 2s, 3s, 4s, 5s, 6s–7s, 8s–9s, 10s. (zltp) (Entered: 06/08/2022)
06/07/2022	<u>379</u>	REPLY TO OPPOSITION to Motion by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>365</u> MOTION for Order Order Directing the Government to Identify Brady Material (Smith, Nicholas) (Entered: 06/07/2022)

06/09/2022	<u>384</u>	MOTION TO ADOPT AND SUPPLEMENT MOTION TO TRANSFER VENUE FILED BY CODEFENDANT TARRIO by ZACHARY REHL. (Hernandez, Carmen) Modified event type on 6/9/2022 (zltp). (Entered: 06/09/2022)
06/09/2022	<u>385</u>	MOTION for Leave to File <i>Sur Reply</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> United States Sur Reply in re ECF 379)(McCullough, Jason) (Entered: 06/09/2022)
06/09/2022	<u>386</u>	MOTION to Join Defendant Tarrio's Motion to Change Venue re 349 MOTION to Change Venue by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hull, John) Modified event type on 6/10/2022 (zltp). (Entered: 06/09/2022)
06/09/2022		MINUTE ORDER as to ZACHARY REHL (3) denying Rehl's <u>344</u> Motion to Compel Government to Provide Notice of Intent to Use Specified Evidence in Its Case-In-Chief at Trial. Rehl argues that, under both Federal Rule of Criminal Procedure 16 and Federal Rule of Criminal Procedure 12, the Government must identify the items that it intends to use in its case-in-chief. But neither rule requires the relief Rehl seeks, and the Court declines to order any relief beyond what it has already ordered. Rule 16(a)(1)(E) requires the Government to make available the items in its possession, custody, or control that are "material to preparing the defense," that the government "intends to use...in its case-in-chief at trial," or that were "obtained from or belong[] to the defendant." Thus, the Government is already subject to a duty to make available the items it will use in its case-in-chief, and the Court has already ordered the Government to identify them over a month before trial by providing Defendants a list of exhibits it intends to offer and a brief description of each exhibit. ECF No. 346. Moreover, the Government has already given Defendants "a 160-page grand jury transcript, with exhibits, and a detailed 96-slide PowerPoint presentation of the evidence supporting the charges against" them. ECF No. 353 at 6. Rule 12(b)(4)(B) allows a defendant to "request notice of the government's intent to use (in its evidence-in-chief at trial) any evidence that the defendant may be entitled to discover under Rule 16" so that he can "have an opportunity to move to suppress evidence." But this Court agrees with the court's conclusion in <i>United States v. Gonzalez</i> that "Rule 12(b)(4)(B) only allows the defendant to obtain notice from the government <i>after</i> the defendant has identified the evidence that it may want to move to suppress." No. 20-cr-40 (BAH), 2020 WL 6158246, at *5 (D.D.C. Oct. 21, 2020). And Rehl has not done that here. That said, for efficiency's sake, the Court strongly encourages the parties to discuss categories of discovery that are potentially subject to motions to suppress, and whether the Government intends to offer evidence from each category in its case-in-chief, so Defendants need not file, and the Court need not resolve, unnecessary motions to suppress. Accordingly, it is hereby ORDERED that Rehl's motion is DENIED. Signed by Judge Timothy J. Kelly on 6/9/2022. (lctjk1) (Entered: 06/09/2022)
06/09/2022	<u>387</u>	Joint MOTION to Modify <i>Scheduling Order</i> by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hull, John) (Entered: 06/09/2022)
06/09/2022	<u>388</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>387</u> Joint MOTION to Modify <i>Scheduling Order</i> (McCullough, Jason) (Entered: 06/09/2022)



06/09/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/9/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearances of NORDEAN (1) and REHL (3) were WAIVED. Oral argument heard and taken under advisement as to defendant NORDEAN's <u>365</u> MOTION for Order Directing the Government to Identify Brady Material. Oral Motion by defendant REHL to renew his <u>344</u> MOTION to Compel. Speedy Trial Excludable (XT) started 6/9/2022 through 6/16/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Government Response to <u>377</u> MOTION due by 6/13/2022. Defendant REHL's Reply due by 6/15/2022. VTC Control Status Hearing set for 6/16/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Conor Mulroe. (zkh) (Entered: 06/10/2022)
06/09/2022		Set/Reset Deadlines as to ZACHARY REHL (3): Government Response due by 6/13/2022. Defendant's Reply due by 6/15/2022. (zkh) (Entered: 06/10/2022)
06/10/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>384</u> Motion to Adopt and Supplement Motion to Transfer Venue Filed by Codefendant Tarrio. It is hereby ORDERED that Defendant's motion is GRANTED. It is further ORDERED that Rehl may adopt and supplement Tarrio's 349 motion and related filings. It is further ORDERED that the Government shall file any response to Rehl's supplemental filing by June 20, 2022. Signed by Judge Timothy J. Kelly on 6/10/2022. (lctjk1) (Entered: 06/10/2022)
06/10/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Before the Court is the parties' <u>387</u> <u>388</u> request to modify the Court's scheduling order. Before the Court rules on that request, it must consider the nature of the pretrial motions the parties anticipate filing, and whether any such motion will require testimony to resolve. Thus, it is hereby ORDERED that the Government and each Defendant shall file, jointly or separately, by tomorrow, June 11, 2022, a status report or reports indicating what pretrial motions each party anticipates filing and whether the motion will require testimony. Signed by Judge Timothy J. Kelly on 6/10/2022. (lctjk1) (Entered: 06/10/2022)
06/11/2022	<u>391</u>	MOTION TO REQUIRE GOVERNMENT TO DESIGNATE AND PRODUCE ANY IMAGES, VIDEO AND AUDIO RECORDINGS, OUT-OF-COURT STATEMENTS, TRANSCRIPTS AND SUMMARY CHARTS IT WILL USE IN TRIAL BEFORE THE DEADLINE FOR FILING PRETRIAL MOTIONS by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 06/11/2022)
06/11/2022	<u>393</u>	STATUS REPORT <i>Regarding Motions</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Kenerson, Erik) (Entered: 06/11/2022)
06/12/2022		

		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The parties <u>387</u> <u>388</u> request that the Court modify its scheduling order in this case. But before it ruled on that request, the Court ordered the parties to file, jointly or separately, by yesterday, June 11, 2022, a status report or reports indicating what pretrial motions each party anticipates filing and whether the motion will require testimony. Only the Government and Tarrío have filed such a status report. It is hereby ORDERED that the <u>387</u> <u>388</u> request is HELD IN ABEYANCE until Defendants Nordean, Biggs, Rehl, and Pezzola comply with this Court's order. Signed by Judge Timothy J. Kelly on 6/12/2022. (lctjk1) (Entered: 06/12/2022)
06/12/2022	<u>394</u>	STATUS REPORT <i>Regarding Pretrial Motions on Behalf of All Defendants</i> by ZACHARY REHL (Hernandez, Carmen) (Entered: 06/12/2022)
06/12/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting in part Defendant Biggs's <u>387</u> Joint Motion to Modify Scheduling Order. Based on Defendant Rehl's representation, <i>see</i> ECF No. <u>394</u> , that all Defendants joined Defendant Tarrío's 392 Joint Status Report, and for good cause shown, it is hereby ORDERED that the <u>387</u> motion is GRANTED IN PART. It is further ORDERED that the following dates set forth in the Government's <u>388</u> response to the motion, and agreed to by all parties, shall govern: Pretrial motions, including motions to suppress and motions in limine, shall be filed by June 29, 2022; oppositions to the motions shall be filed by July 11, 2022; and replies shall be filed by July 18, 2022. The Joint Pretrial Statement, <i>see</i> ECF No. <u>346</u> , shall be filed by July 20, 2022. The parties shall appear for a motions hearing and pretrial conference on July 27, 2022, at 11:00 a.m. in a courtroom to be determined. Finally, jury selection and trial shall commence on August 8, 2022, at 9:00 a.m. It is further ORDERED that if, contrary to Defendant Rehl's representation and the Court's understanding, Defendant Tarrío's 392 Joint Status Report does not represent the position of all Defendants, then any such Defendant shall so advise the Court immediately. Signed by Judge Timothy J. Kelly on 6/12/2022. (lctjk1) (Entered: 06/12/2022)
06/14/2022	<u>395</u>	RESPONSE by USA as to ZACHARY REHL re <u>377</u> MOTION for Leave to Respond to the Press Release Issued by the Department of Justice (McCullough, Jason) (Entered: 06/14/2022)
06/14/2022		MINUTE ORDER as to ZACHARY REHL (3): It is hereby ORDERED that the Government and Defendant Rehl shall be prepared to discuss Rehl's <u>391</u> Motion during the status conference this Thursday, June 16, 2022. Signed by Judge Timothy J. Kelly on 6/14/2022. (lctjk1) (Entered: 06/14/2022)
06/15/2022	<u>400</u>	TRANSCRIPT OF STATUS CONFERENCE (held remotely via Zoom) in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before the Honorable Timothy J. Kelly held on 04/05/2022. Page Numbers: 1–43. Date of Issuance: 06/12/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by going to www.dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.

		<p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 7/6/2022. Redacted Transcript Deadline set for 7/16/2022. Release of Transcript Restriction set for 9/13/2022.(Meyer, Nancy) (Entered: 06/15/2022)</p>
06/15/2022		NOTICE OF HEARING as to ZACHARY REHL (3): VTC Arraignment set for 6/21/2022 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 06/15/2022)
06/15/2022	<u>401</u>	MOTION TO REOPEN DETENTION HEARING AND REQUEST FOR A HEARING by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) Modified event type on 6/15/2022 (zltf). (Entered: 06/15/2022)
06/15/2022	<u>402</u>	<p>TRANSCRIPT OF DISCOVERY CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 5-2-22; Page Numbers: 1-66; Date of Issuance: 6-15-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 7/6/2022. Redacted Transcript Deadline set for 7/16/2022. Release of Transcript Restriction set for 9/13/2022.(Miller, Timothy) (Entered: 06/15/2022)</p>
06/16/2022		MINUTE ORDER as to ZACHARY REHL (3) denying Rehl's <u>377</u> Motion for Leave to Respond to the Press Release Issued by the Department of Justice. Local Criminal Rule 57.7(b) bars attorneys in a case from making an "extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, relating to that matter and concerning...the character or reputation of the accused" or "[a]ny opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case." The same rule states that it "shall not be construed to preclude" an attorney "from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges." LCR 57.7(b). Rehl's counsel may of course make any statement

		to the press that complies with the local rule. But he has not shown that the Court should allow him to violate it, nor for that matter has he shown — despite suggestions to the contrary — that the Government did so. The Government's recent press release set forth the "nature, substance, [and] text of the charge" and included a "brief description of the offense charged" and it "quot[ed] or refer[ed] without comment" to the Third Superseding Indictment — which is what Local Criminal Rule 57.7(b) allows. <i>Id.</i> Accordingly, it is hereby ORDERED that Rehl's motion, to the extent that it requests permission to violate the local rule, is DENIED. Signed by Judge Timothy J. Kelly on 6/16/2022. (lctjk1) (Entered: 06/16/2022)
06/16/2022	<u>404</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 403 MOTION to Continue <i>Trial</i> (Attachments: # <u>1</u> Exhibit Letter Dated June 15, 2022)(McCullough, Jason) (Entered: 06/16/2022)
06/16/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Control Status Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/16/2022. Defendants NORDEAN (1), BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of REHL (3) was WAIVED. VTC Motion Hearing set for 6/22/2022 at 1:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Nadia Moore. (zkh) (Entered: 06/16/2022)
06/16/2022	<u>406</u>	SUPPLEMENT by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 349 MOTION to Change Venue (zltp) (Entered: 06/17/2022)
06/17/2022	<u>405</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>384</u> MOTION for Joinder <i>and to Supplement Venue Motion</i> by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 06/17/2022)
06/17/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): As discussed on the record yesterday, it is hereby ORDERED that any responses to Biggs and Pezzola's 403 Motion to Continue, including any related requests to sever, shall be filed by Monday, June 20, 2022. It is further ORDERED that any responses to those filings shall be filed by Tuesday, June 21, 2022. Signed by Judge Timothy J. Kelly on 6/17/2022. (lctjk1) (Entered: 06/17/2022)
06/17/2022	<u>407</u>	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> 5/12/22 letter, # <u>2</u> 6/17/22 letter)(Mulroe, Conor) (Entered: 06/17/2022)
06/18/2022		MINUTE ORDER as to ZACHARY REHL (3) granting the Government's <u>405</u> Unopposed Motion to Continue Deadline for Response to Supplement. It is hereby ORDERED that, for good cause shown, the Government's motion is GRANTED. It is

		further ORDERED that the Government shall respond to Rehl's <u>384</u> Supplement by Tuesday, June 21, 2022. Signed by Judge Timothy J. Kelly on 6/18/2022. (lctjk1) (Entered: 06/18/2022)
06/20/2022	<u>409</u>	RESPONSE by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 403 MOTION to Continue <i>Trial</i> (Smith, Nicholas) (Entered: 06/20/2022)
06/20/2022	<u>411</u>	RESPONSE TO ORDER OF THE COURT by ZACHARY REHL re Order., Set Deadlines, <i>Regarding Biggs Motion to Continue</i> (Hernandez, Carmen) (Entered: 06/20/2022)
06/20/2022	<u>412</u>	MOTION ADOPT NORDEAN'S RESPONSE TO MOTION TO CONTINUE TRIAL re <u>409</u> Response to motion by ZACHARY REHL. (Hernandez, Carmen) Modified event type on 6/21/2022 (zltpt). (Entered: 06/20/2022)
06/21/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ZACHARY REHL (3) as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, and 9ss, held on 6/21/2022. Defendant appeared by audio. Plea of NOT GUILY entered as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, and 9ss. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Carmen D. Hernandez; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Nadia Moore. (zkh) (Entered: 06/21/2022)
06/21/2022	<u>413</u>	RESPONSE by USA as to JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO re 399 Unopposed MOTION for Leave to File <i>Supplement on Change of Trial Venue</i> , <u>384</u> MOTION for Joinder (Kenerson, Erik) (Entered: 06/21/2022)
06/21/2022	<u>414</u>	REPLY in Support by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 403 MOTION to Continue <i>Trial</i> (McCullough, Jason) (Entered: 06/21/2022)
06/22/2022	<u>416</u>	RESPONSE by ENRIQUE TARRIO as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 403 MOTION to Continue <i>Trial</i> (Jauregui, Sabino) (Entered: 06/22/2022)
06/22/2022		MINUTE ORDER as to ZACHARY REHL (3) and ENRIQUE TARRIO (5) granting Tarrio's and Rehl's 410 <u>412</u> Motions to Join Nordean's <u>409</u> Response to Motion to Continue Trial. It is hereby ORDERED that, for good cause shown, Tarrio's and Rehl's motions are hereby GRANTED. Signed by Judge Timothy J. Kelly on 6/22/2022. (lctjk1) (Entered: 06/22/2022)
06/22/2022	<u>417</u>	RESPONSE by ZACHARY REHL re: 403 <i>BIGGS MOTION TO CONTINUE</i> (Hernandez, Carmen) Modified text to include linkage on 6/22/2022 (zltpt). (Entered: 06/22/2022)
06/22/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/22/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearances of NORDEAN (1) and REHL (3) were WAIVED. For the reasons stated on the record, Defendant BIGGS' 403 MOTION to Continue is GRANTED. Order to be entered by the court. Bond Status of Defendants: 1-Remains Committed,



		2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Conor Mulroe. (zkh) (Entered: 06/22/2022)
06/22/2022	<u>418</u>	MOTION for Extension of Time to File <i>Report and Recommendation</i> by SANTHA SONENBERG as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Sonenberg, Santha) (Entered: 06/22/2022)
06/24/2022	<u>419</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting Biggs and Pezzola's 403 Motion to Continue Trial. See Order for details. Signed by Judge Timothy J. Kelly on 6/24/2022. (lctjk1) (Entered: 06/24/2022)
06/24/2022		Set/Reset Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Jury Selection/Trial set to commence on 12/12/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. (zkh) (Entered: 06/24/2022)
06/24/2022		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 06/24/2022)
06/29/2022	<u>420</u>	Joint STATUS REPORT AND PROPOSED PRETRIAL SCHEDULE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Text of Proposed Order)(McCullough, Jason) (Entered: 06/29/2022)
06/29/2022	<u>421</u>	Memorandum in Opposition by USA as to ZACHARY REHL re <u>401</u> MOTION for Hearing <i>and to Reopen Detention</i> (Attachments: # <u>1</u> Exhibit 1 – Discovery Letter)(Kenerson, Erik) (Entered: 06/29/2022)
06/29/2022	<u>423</u>	ERRATA by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>420</u> Status Report filed by USA (McCullough, Jason) (Entered: 06/29/2022)
07/06/2022	<u>425</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>401</u> MOTION for Hearing <i>and to Reopen Detention Hearing</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 07/06/2022)
07/06/2022	<u>426</u>	SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 7/6/2022. (lctjk1) (Entered: 07/06/2022)
07/07/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>425</u> Consent Motion to Extend Time to File a Reply. It is hereby ORDERED that, for good cause shown, Defendant's motion is GRANTED. It is further ORDERED that Defendant shall file his reply by July 11, 2022. Signed by Judge Timothy J. Kelly on 7/7/2022. (lctjk1) (Entered: 07/07/2022)
07/07/2022		Set/Reset Deadlines/Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Motions due by 8/19/2022. Responses due by 9/2/2022. Replies due by 9/12/2022.



		Motion in Limine due by 10/14/2022. Prior Convictions/Objections due by 10/28/2022. Proposed Jury Instructions/Verdict Form due by 10/28/2022. Pretrial Statement due by 10/28/2022. VTC Motion Hearings set for 9/29/2022 at 9:30 AM and 10/28/2022 at 9:30 AM before Judge Timothy J. Kelly. In Person Motion Hearing set for 11/14/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. In Person Pretrial Conference/Motion Hearing set for 11/18/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 07/07/2022)
07/11/2022	<u>428</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>401</u> MOTION for Hearing by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 07/11/2022)
07/13/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>428</u> Consent Motion for Extension of Time to File a Reply. It is hereby ORDERED, nunc pro tunc and for good cause shown, that Defendant's motion is GRANTED. It is further ORDERED that Defendant shall file his reply by July 21, 2022. Signed by Judge Timothy J. Kelly on 7/13/2022. (lctjk1) (Entered: 07/13/2022)
07/15/2022	<u>429</u>	<p>TRANSCRIPT OF MOTION HEARING in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 6-9-22; Page Numbers: 1-85; Date of Issuance: 7-15-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/5/2022. Redacted Transcript Deadline set for 8/15/2022. Release of Transcript Restriction set for 10/13/2022.(Miller, Timothy) (Entered: 07/15/2022)</p>
07/20/2022	<u>430</u>	Consent MOTION for Extension of Time to File Response/Reply by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 07/20/2022)
07/22/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>430</u> Consent Motion for Extension of Time to File a Reply. It is hereby ORDERED that, for good cause shown, Defendant's motion is GRANTED. It is further ORDERED that Defendant shall file his reply by July 28, 2022. Signed by Judge Timothy J. Kelly on 7/22/2022. (lctjk1) (Entered: 07/22/2022)
08/15/2022		MINUTE ORDER as to ZACHARY REHL (3): The Court understands that Defendant Rehl still intends to file a reply in support of his <u>401</u> Motion to Reopen Detention Hearing and Request for a Hearing. It is hereby ORDERED that he shall do so by August 29, 2022, or request a further extension, which under the circumstances the

		Court will freely give if requested. Signed by Judge Timothy J. Kelly on 8/15/2022. (lctjk1) (Entered: 08/15/2022)
08/19/2022	<u>435</u>	MOTION Adopt and Supplement re: 434 Motion to Dismiss and for Bill of Particulars Filed by Defendant Nordean by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) Modified event type, text and linkage on 8/22/2022 (zltf). (Entered: 08/19/2022)
08/19/2022	<u>437</u>	MOTION to Dismiss Count <i>One, Two and Four</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/19/2022)
08/19/2022	<u>438</u>	MOTION for Extension of Time to <i>File Additional Motions</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/19/2022)
08/19/2022	<u>439</u>	MOTION to Dismiss Case <i>on First Amendment Grounds</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/19/2022)
08/24/2022	<u>440</u>	MOTION to Dismiss Case <i>for a Violation of the Presentment Clause of the Fifth Amendment</i> by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/24/2022)
08/24/2022		MINUTE ORDER as to ZACHARY REHL (3) and ENRIQUE TARRIO (5): The Court construes Defendants' <u>435</u> <u>436</u> motions as requests to join Nordean's motion and apply the arguments in that motion to them as well, but not to file any new briefing or supplement the motion on paper, which the Court would be disinclined to allow. But before ruling, it will hear from the Government. Thus, it is hereby ORDERED that the Government shall file its response to Rehl and Tarrio's <u>435</u> <u>436</u> motions by August 29, 2022. Signed by Judge Timothy J. Kelly on 8/24/2022. (lctjk1) (Entered: 08/24/2022)
08/24/2022	<u>442</u>	MOTION to Dismiss Count <i>Two and Count Three</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/24/2022)
08/24/2022	<u>443</u>	MOTION to Dismiss Count <i>One Failure to State an Offense, as Unconstitutionally Vague and under the Rule of Lenity</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/24/2022)
08/25/2022	<u>444</u>	MOTION for Extension of Time to File Response/Reply as to <u>439</u> MOTION to Dismiss Case <i>on First Amendment Grounds</i> , <u>442</u> MOTION to Dismiss Count <i>Two and Count Three</i> , <u>437</u> MOTION to Dismiss Count <i>One, Two and Four</i> , <u>443</u> MOTION to Dismiss Count <i>One Failure to State an Offense, as Unconstitutionally Vague and under the Rule of Lenity</i> , 434 MOTION to Dismiss Count <i>One, Two, Three, Four, Five, Seven, Eight, and Nine of the Third Superseding Indictment and, in the Alternative, Motion for a Bill of Particulars</i> , <u>440</u> MOTION to Dismiss Case <i>for a Violation of the Presentment Clause of the Fifth Amendment</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 08/25/2022)
08/25/2022	<u>445</u>	RESPONSE by ZACHARY REHL re <u>444</u> MOTION for Extension of Time to File Response/Reply as to <u>439</u> MOTION to Dismiss Case <i>on First Amendment Grounds</i> , <u>442</u> MOTION to Dismiss Count <i>Two and Count Three</i> , <u>437</u> MOTION to Dismiss Count <i>One, Two and Four</i> , [ (Hernandez, Carmen) (Entered: 08/25/2022)

08/26/2022		MINUTE ORDER as to ETHAN NORDEAN (1), ZACHARY REHL (3), and ENRIQUE TARRIO (5): Upon consideration of the Government's <u>444</u> Motion for Extension of Time, it is hereby ORDERED that Defendants Nordean and Tarrío shall file any opposition to the <u>444</u> motion no later than noon on August 29, 2022. Signed by Judge Timothy J. Kelly on 8/26/2022. (lctjk1) (Entered: 08/26/2022)
08/29/2022	<u>448</u>	RESPONSE TO ORDER OF THE COURT by USA as to ZACHARY REHL, ENRIQUE TARRIO re Order,,, Set Deadlines,, (Moore, Nadia) (Entered: 08/29/2022)
08/29/2022	<u>449</u>	REPLY in Support by ZACHARY REHL re <u>401</u> MOTION for Hearing (Hernandez, Carmen) (Entered: 08/29/2022)
08/30/2022		MINUTE ORDER as to as to ETHAN NORDEAN (1), ZACHARY REHL (3), and ENRIQUE TARRIO (5) granting the Government's <u>444</u> Unopposed Motion for Extension of Time. It is hereby ORDERED that, for good cause shown, the Government's motion is GRANTED. It is further ORDERED that the Government shall respond to ECF Nos. 434, 437, 439, 440, 442, and 443 by September 7, 2022. It is FURTHER ORDERED that Defendants shall file any reply in support of ECF Nos. 434, 437, 439, 440, 442, and 443 by September 15, 2022. Signed by Judge Timothy J. Kelly on 8/30/2022. (lctjk1) (Entered: 08/30/2022)
08/31/2022		MINUTE ORDER as to ZACHARY REHL (3) and ENRIQUE TARRIO (5) granting Defendants' <u>435</u> <u>436</u> Unopposed Motions to Adopt and Supplement Nordean's 434 Motion to Dismiss. Construing Defendants' motions as requests to join Nordean's motion and apply the arguments in that motion to them as well, it is hereby ORDERED that Defendants' motions are GRANTED. If Defendants wish to file any supplemental briefings to Nordean's motion, Defendants shall move for such relief and make a showing of good cause. Signed by Judge Timothy J. Kelly on 8/31/2022. (lctjk1) (Entered: 08/31/2022)
08/31/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>438</u> Unopposed Motion for Extension of Time. It is hereby ORDERED that, nunc pro tunc and for good cause shown, Defendant's motion is granted. It is further ORDERED that Defendant Rehl's <u>440</u> <u>442</u> <u>443</u> motions are deemed timely filed. Signed by Judge Timothy J. Kelly on 8/31/2022. (lctjk1) (Entered: 08/31/2022)
09/05/2022	<u>452</u>	MOTION TO ADOPT TARRIOS MOTION AND REPLY FOR THE GOVERNMENT TO PRODUCE DISCOVERY: BRADY MOTION ( <i>ECF 431 &amp; ECF 441</i> ) by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Hernandez, Carmen) Modified event type on 9/14/2022 (zltp). (Entered: 09/05/2022)
09/07/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>452</u> Motion to Adopt Tarrío's Motion and Reply for the Government to Produce Discovery: Brady Motion. Construing Defendant's motion as a request to join Tarrío's motion and apply the arguments in that motion to him as well, it is hereby ORDERED that Defendants motion is GRANTED. Signed by Judge Timothy J. Kelly on 9/7/2022. (lctjk1) (Entered: 09/07/2022)
09/07/2022	<u>454</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO re <u>439</u> Motion to Dismiss Case, <u>442</u> Motion to dismiss count(s), <u>437</u> Motion to dismiss count(s), <u>443</u> Motion to dismiss count(s), 434 Motion to dismiss count(s), <u>440</u> Motion to Dismiss Case (Attachments: # <u>1</u> Exhibit A – Jury Instructions)(Kenerson, Erik) (Entered: 09/07/2022)

09/07/2022	<u>455</u>	MOTION for Leave to File Excess Pages by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 09/07/2022)
09/08/2022		NOTICE OF HEARING as to ZACHARY REHL (3): Motion Hearing on Defendant's <u>401</u> MOTION TO REOPEN DETENTION HEARING set for 9/14/2022 at 10:00 AM in Courtroom 11 before Judge Timothy J. Kelly. <b>Because this proceeding will be held in person, no public telephone access will be available. The public is welcome to attend the proceeding in the E. Barrett Prettyman U.S. Courthouse, located at 333 Constitution Avenue, NW, Washington, DC.</b> (zkh) (Entered: 09/08/2022)
09/08/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and ENRIQUE TARRIO (5) treating as opposed and granting the Government's <u>455</u> Motion for Leave to File Excess Pages re the United States' Response to Defendants' Motions to Dismiss Part or All of the Third Superseding Indictment. It is hereby ORDERED that, nunc pro tunc and for good cause shown, the Government's motion is GRANTED. Signed by Judge Timothy J. Kelly on 9/8/2022. (lctjk1) (Entered: 09/08/2022)
09/13/2022		MINUTE ORDER as to ZACHARY REHL (3): The Court hereby ORDERS that a representative from the Federal Detention Center Philadelphia with knowledge of the procedures by which the institution makes individuals available for court proceedings shall appear telephonically for the hearing set for tomorrow, September 14, 2022, at 10:00 a.m. The representative shall contact the Courtroom Deputy at (202) 354-3495 to make arrangements to appear. Signed by Judge Timothy J. Kelly on 9/13/2022. (lctjk1) (Entered: 09/13/2022)
09/14/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference as to ZACHARY REHL (3) held on 9/14/2022. Case called for Motion Hearing, but not held. For the reasons stated on the record, the defendant was not present. Motion Hearing rescheduled for 9/30/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. <b>Because this proceeding will be held in person, no public telephone access will be available. The public is welcome to attend the proceeding in the E. Barrett Prettyman U.S. Courthouse, located at 333 Constitution Avenue, NW, Washington, DC.</b> Bond Status of Defendant: Remains Committed; Court Reporter: Bryan Wayne; Defense Attorney: Carmen D. Hernandez; US Attorneys: Erik Michael Kenerson, Jason Bradley Adam McCullough, Nadia Moore and Conor Mulroe; Witnesses: Derek Haywood (USMS) and Alisha Gallagher (FDC Philadelphia). (zkh) (Entered: 09/14/2022)
09/14/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): As reflected in the <u>426</u> Scheduling Order, the Court will hear argument on various motions on September 29, 2022 and October 28, 2022, via videoconference. The Court understands that, despite the efforts of the parties and the Court, certain Defendants may not be able to appear remotely due to the policies or logistical limitations at their respective detention facilities. Counsel for each Defendant are hereby ORDERED to contact the Courtroom Deputy ten days before either hearing if they do not agree to waive their clients' presence for the hearing, should he be unable to appear remotely. Signed by Judge Timothy J. Kelly on 9/14/2022. (lctjk1) Modified to correct grammatical error on 9/14/2022 (zkh). (Entered: 09/14/2022)
09/14/2022	<u>461</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>439</u> MOTION to Dismiss Case on First Amendment Grounds, <u>442</u> MOTION to Dismiss Count Two



		<i>and Count Three, 437</i> MOTION to Dismiss Count One, Two and Four, <i>443</i> MOTION to Dismiss Count One Failure to State an Offense, as Unconstitutionally Vague and under the Rule of Lenity, <i>440</i> MOTION to Dismiss Case for a Violation of the Presentment Clause of the Fifth Amendment by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 09/14/2022)
09/15/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and ENRIQUE TARRIO (5) denying without prejudice Defendants' 431 Motion for Release of Brady Materials. On September 12, 2022, the Court heard argument on Defendant Tarrío's 431 Motion for Release of Brady Materials, which Defendants Biggs and Rehl have joined. For the reasons discussed at the hearing, it is hereby ORDERED that the motion is DENIED WITHOUT PREJUDICE. Also, as discussed at the hearing, it is further ORDERED that Defendant may file, under seal, a follow-up motion addressing the specific materials he seeks from the Government. Signed by Judge Timothy J. Kelly on 9/15/2022. (lctjk1) (Entered: 09/15/2022)
09/16/2022		Set/Reset Hearings as to ZACHARY REHL (3) and ENRIQUE TARRIO (5): VTC Motion Hearing set for 9/29/2022 at 9:30 AM before Judge Timothy J. Kelly. (zkh) (Entered: 09/16/2022)
09/16/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>461</u> Consent Motion for an Extension of Time. It is hereby ORDERED that, <i>nunc pro tunc</i> and for good cause shown, Defendant Rehl's <u>461</u> motion is GRANTED. It is further ORDERED that Defendant Rehl shall file any reply to the Government's Opposition to his motions to dismiss by September 18, 2022. Signed by Judge Timothy J. Kelly on 9/16/2022. (lctjk1) (Entered: 09/16/2022)
09/29/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 9/29/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearances of NORDEAN (1) and REHL (3) were waived. Oral arguments heard on Motions to Dismiss, and taken under advisement. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Lisa Bankins; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, Nadia Moore, and James Pearce. (zkh) (Entered: 09/29/2022)
09/29/2022		NOTICE OF HEARING as to ZACHARY REHL (3): The Motion Hearing currently set for 9/30/2022 is <b>RESCHEDULED</b> for 10/7/2022 at 8:00 AM in Courtroom 11 before Judge Timothy J. Kelly. <b>Because this proceeding will be held in person, no public telephone access will be available. The public is welcome to attend the proceeding in the E. Barrett Prettyman U.S. Courthouse, located at 333 Constitution Avenue, NW, Washington, DC.</b> (zkh) (Entered: 09/29/2022)
10/03/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), AND DOMINIC J. PEZZOLA (6) granting Defendants' 470 Consent Motion for an Extension of Time. It is hereby ORDERED that, <i>nunc pro tunc</i> and for good cause shown, Defendants' motion is GRANTED. It is further ORDERED that Defendants shall file any supplement to the motion to change venue, ECF No. 349, by October 10, 2022. It is further ORDERED that the Government shall file any response by October 21, 2022, and Defendants shall

		reply by October 24, 2022. The October 28, 2022, hearing on the motion to change venue will proceed as scheduled. Signed by Judge Timothy J. Kelly on 10/3/2022. (lctjk1) (Entered: 10/03/2022)
10/07/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ZACHARY REHL (3) held on 10/7/2022. Defendant appeared by telephone. Oral argument heard on Defendant's <u>401</u> MOTION TO REOPEN DETENTION HEARING, and taken under advisement. Submissions by the Parties due by 10/12/2022. Responses due by 10/17/2022. Bond Status of Defendant: Remains Committed; Court Reporter: Jeffrey Hook; Defense Attorney: Carmen D. Hernandez; US Attorneys: Erik Michael Kenerson, Jason Bradley Adam McCullough, Nadia Moore and Conor Mulroe. (zkh) (Entered: 10/07/2022)
10/07/2022	<u>475</u>	MOTION in Limine <i>to Admit Statements</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Mulroe, Conor) (Entered: 10/07/2022)
10/07/2022	<u>476</u>	NOTICE of Expert Witness by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Expert Notice)(Kenerson, Erik) (Entered: 10/07/2022)
10/12/2022	<u>479</u>	SUPPLEMENT by USA as to ZACHARY REHL re <u>421</u> Memorandum in Opposition to Motion to Reopen Detention Hearing (Attachments: # <u>1</u> Exhibit 1 – Text Message to Defendant's Mother)(Kenerson, Erik) (Entered: 10/12/2022)
10/12/2022	<u>480</u>	Consent MOTION for Extension of Time to <i>File Supplement to His Motion to Reopen the Detention Hearing</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 10/12/2022)
10/13/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>480</u> Consent Motion for Extension of Time. It is hereby ORDERED that, <i>nunc pro tunc</i> and for good cause shown, Defendant's motion is GRANTED. Defendant shall file any supplement to his Motion to Reopen the Detention Hearing by October 17, 2022. It is further ORDERED that the Government shall file any response by October 20, 2022. Signed by Judge Timothy J. Kelly on 10/13/2022. (lctjk1) (Entered: 10/13/2022)
10/14/2022	<u>486</u>	MOTION to Preclude Disclosure and Use of Privileged Marital Communications by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 10/14/2022)
10/14/2022	<u>492</u>	MOTION to Sever Count(s) , MOTION to Sever Defendant by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 10/14/2022)
10/14/2022	<u>493</u>	MOTION for Leave to File Additional Motions In Light of Governments Continuing Production of Discovery by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 10/14/2022)
10/14/2022	<u>494</u>	MOTION in Limine ( <i>Omnibus</i> ) by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Mulroe, Conor) (Entered: 10/14/2022)
10/14/2022	<u>495</u>	MOTION in Limine <i>to Preclude Governments Use Against Him of Statements Protected by the First Amendment</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 10/14/2022)



10/21/2022	<u>502</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO <i>to 477 Supplement to Motion to Change Venue</i> (Attachments: # <u>1</u> Exhibit 1 – Excerpt of Transcript, # <u>2</u> Exhibit 2 – Jury Questionnaire from United States v. Rhodes, et. al.)(Kenerson, Erik) (Entered: 10/21/2022)
10/22/2022	<u>503</u>	Memorandum in Opposition by ZACHARY REHL re <u>475</u> Motion in Limine <i>to Admit Statements</i> (Hernandez, Carmen) (Entered: 10/22/2022)
10/28/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 10/28/2022. Defendant TARRIO (5) appeared by video. The appearances of NORDEAN (1), BIGGS (2), REHL (3), and PEZZOLA (6) were waived. Oral argument heard on Defendants' 349 MOTION to Change Venue, and taken under advisement. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Nancy Meyer; Defense Attorneys: 1–Nicholas D. Smith, 2–Norman A Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe. (zkh) (Entered: 10/28/2022)
10/28/2022	<u>509</u>	RESPONSE by USA as to ZACHARY REHL re <u>486</u> MOTION to Preclude Disclosure and Use of Privileged Marital Communications (Kenerson, Erik) (Entered: 10/28/2022)
10/28/2022	<u>510</u>	Memorandum in Opposition by USA as to ZACHARY REHL re <u>495</u> Motion in Limine <i>To Preclude Admission of Statements</i> (Kenerson, Erik) (Entered: 10/28/2022)
10/28/2022	<u>511</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 498 Motion to Exclude, 490 Motion in Limine (McCullough, Jason) (Entered: 10/28/2022)
10/28/2022	<u>512</u>	REPLY TO OPPOSITION to Motion by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>475</u> MOTION in Limine <i>to Admit Statements</i> (McCullough, Jason) (Entered: 10/28/2022)
10/28/2022	<u>513</u>	RESPONSE by USA as to ZACHARY REHL re <u>492</u> MOTION to Sever Count(s) MOTION to Sever Defendant (Mulroe, Conor) (Entered: 10/28/2022)
10/28/2022	<u>515</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 491 MOTION in Limine <i>to Exclude Proposed Government Exhibits</i> , 489 First MOTION in Limine <i>to exclude proposed government exhibits</i> (Attachments: # <u>1</u> Exhibit 1 – August exhibits transmittal email, # <u>2</u> Exhibit 2 – August Preliminary Exhibit List (redacted))(Mulroe, Conor) (Entered: 10/28/2022)
11/01/2022		<b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): On December 5, 2022, potential jurors will appear for a special panel in this case. Pursuant to the U.S. District Court for the District of Columbia's Jury Selection Plan, the Court will authorize the Clerk, "[e]xcept where the Clerk believes an exercise of judicial discretion is necessary...to exempt and excuse persons" listed in certain categories specified in 10–14 of the Jury Selection Plan,

		including to excuse jurors on the grounds of "undue hardship" or "extreme inconvenience" under 28 U.S.C. § 1866(c). U.S. District Court for the District of Columbia, <i>Jury Selection Plan for the Random Selection of Grand and Petit Jurors</i> (amended May 17, 2022), <a href="https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf">https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf</a> . Should any party wish to review such requests before the Clerk's office grants them, they may file a notice so informing the Court by Wednesday, November 2, 2022. Signed by Judge Timothy J. Kelly on 11/1/2022. (lctjk1) Modified to mark as error on 11/1/2022 (zkh). (Entered: 11/01/2022)
11/01/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): On December 5, 2022, potential jurors will appear for a special panel in this case. Pursuant to the U.S. District Court for the District of Columbia's Jury Selection Plan, the Court will authorize the Clerk, "[e]xcept where the Clerk believes an exercise of judicial discretion is necessary...to exempt and excuse persons" listed in certain categories specified in &para&para 10–14 of the Jury Selection Plan, including to excuse jurors on the grounds of "undue hardship" or "extreme inconvenience" under 28 U.S.C. § 1866(c). U.S. District Court for the District of Columbia, <i>Jury Selection Plan for the Random Selection of Grand and Petit Jurors</i> (amended May 17, 2022), <a href="https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf">https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf</a> . Should any party wish to review such requests before the Clerk's office grants them, they may file a notice so informing the Court by Wednesday, November 2, 2022. Signed by Judge Timothy J. Kelly on 11/1/2022. (lctjk1) (Entered: 11/01/2022)
11/01/2022	<u>518</u>	Joint MOTION to Dismiss Count <i>One, Two and Four of the Third Superseding Indictment and Supplement to Motion to Change Venue</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 11/01/2022)
11/04/2022	<u>520</u>	TRANSCRIPT OF MOTION HEARING (via Zoom) in the case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before the Honorable Timothy J. Kelly held on 10/28/2022. Page Numbers: 1–71. Date of Issuance: 10/31/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by going to <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a> . For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a> .  Redaction Request due 11/25/2022. Redacted Transcript Deadline set for 12/5/2022. Release of Transcript Restriction set for 2/2/2023.(Meyer, Nancy) (Entered: 11/04/2022)
11/04/2022	<u>522</u>	

		REPLY in Support by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>494</u> MOTION in Limine ( <i>Omnibus</i> ) (Mulroe, Conor) (Entered: 11/04/2022)
11/06/2022	<u>525</u>	MOTION to Compel <i>Production of Defense Witness List, Exhibit List, and Rule 16 Discovery</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 11/06/2022)
11/08/2022	<u>530</u>	MEMORANDUM ORDER as to ZACHARY REHL (3) denying Defendant's <u>401</u> Motion to Reopen Detention Hearing. See Order for details. Signed by Judge Timothy J. Kelly on 11/8/2022. (lctjk1) (Entered: 11/08/2022)
11/09/2022	<u>531</u>	MEMORANDUM OPINION AND ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) denying without prejudice Defendants' 349 Motion to Transfer Venue. See Order for details. Signed by Judge Timothy J. Kelly on 11/8/2022. (lctjk1) Modified to correct entry on 11/9/2022 (zkh). (Entered: 11/09/2022)
11/10/2022	<u>533</u>	MOTION to Dismiss Case , MOTION for Sanctions by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 11/10/2022)
11/10/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The parties shall be prepared to address the issues raised in Defendant Rehl's <u>533</u> Motion at the hearing scheduled for Monday, November 14, 2022, at 9:30 A.M. The Government shall file any written response to the motion by November 13, 2022 at noon. Signed by Judge Timothy J. Kelly on 11/10/2022. (lctjk1) (Entered: 11/10/2022)
11/14/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 11/14/2022. The appearance of Defendant TARRIO (5) was waived. Oral argument heard on defendants' <u>533</u> <u>534</u> 535 536 537 and 540 MOTIONS, and taken under advisement. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Remains Committed, 6–Committed/Commitment Issued; Court Reporter: Sara Wick; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–John Daniel Hull, IV (Stand In); US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, Nadia Moore, and Jocelyn Ballantine. (zkh) (Entered: 11/14/2022)
11/14/2022	<u>541</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>518</u> Motion to dismiss count(s), (Kenerson, Erik) (Entered: 11/14/2022)
11/15/2022		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Motion Hearing set for 11/17/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. <b>Because this proceeding will be held in person, no public telephone access will be available. The public is welcome to attend the proceeding in the E. Barrett Prettyman U.S. Courthouse, located at 333 Constitution Avenue, NW, Washington, DC.</b> (zkh) (Entered: 11/15/2022)

11/15/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>525</u> Motion to Compel. It is hereby ORDERED that the Government's <u>525</u> Motion to Compel Witness and Exhibit Lists is GRANTED. It is further ORDERED that Defendants shall, by November 28, 2022, (1) satisfy their reciprocal discovery obligations, if any, under Rule 16(b) (except as to experts, as described in the Court's <u>426</u> Scheduling Order); (2) produce to the Government a list of exhibits they anticipate they may introduce during their case-in-chief; and (3) produce to the Government a list identifying the witnesses they anticipate they may call during their case-in-chief. Only upon leave of court and a showing of good cause will Defendants be permitted to withhold a witness identity. Signed by Judge Timothy J. Kelly on 11/15/2022. (lctjk1) (Entered: 11/15/2022)
11/15/2022	<u>542</u>	MOTION to Access <i>Certain Sealed Records &amp; Transcript of Sealed Motions Hearing</i> by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Tobin, Charles) (Entered: 11/15/2022)
11/17/2022	<u>544</u>	MOTION Adopt and Supplement Motions of Codefendants by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 11/17/2022)
11/17/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 11/17/2022. The appearances of Defendants REHL (3) and TARRIO (5) were waived. Oral argument heard on Government's <u>475</u> MOTION in Limine and Defendants' 489 and 491 MOTION in Limine, and taken under advisement. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Remains Committed, 5-Remains Committed, 6-Committed/Commitment Issued; Court Reporter: Maria Weinbeck; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 11/17/2022)
11/18/2022		MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>544</u> Motion to Adopt and Supplement Motions of Codefendants. Construing Defendant's motion as a request to join ECF Nos. 489, 490, 491, 499, 505, 518, 524, 535, 536, and 539 and apply the arguments in those motions, oppositions, and replies to him as well, it is hereby ORDERED that Defendant's motion is GRANTED. Signed by Judge Timothy J. Kelly on 11/18/2022. (lctjk1) Modified to add ECF number on 11/18/2022 (zkh). (Entered: 11/18/2022)
11/18/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Pretrial Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 11/18/2022. Defendant TARRIO (5) appeared by video. Oral argument heard on Government's <u>494</u>

		MOTION and on Defendants' 473 MOTION and <u>492</u> MOTION, and taken under advisement. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Remains Committed, 6–Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Press Coalition Attorney: Maxwell S. Mishkin. (zkh) (Entered: 11/18/2022)
11/22/2022	<u>549</u>	NOTICE OF APPEAL (Interlocutory) by ZACHARY REHL re <u>530</u> Order on Motion for Hearing. Fee Status: No Fee Paid. Parties have been notified. (Hernandez, Carmen) (Entered: 11/22/2022)
11/23/2022	<u>550</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 547 Notice (Other), 546 <i>Memorandum in Opposition</i> (Attachments: # <u>1</u> Exhibit 1 – Proposed Trial Exhibit, # <u>2</u> Exhibit 2 – Proposed Trial Exhibit, # <u>3</u> Exhibit 3 – Proposed Trial Exhibit, # <u>4</u> Exhibit 4 – Proposed Trial Exhibit, # <u>5</u> Exhibit 5 – Proposed Trial Exhibit)(Kenerson, Erik) (Entered: 11/23/2022)
11/25/2022	<u>551</u>	Joint MOTION for Extension of Time to <i>Produce Witness and Exhibit Lists</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 11/25/2022)
11/28/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) treating as opposed and granting Defendants' <u>551</u> Joint Motion to Extend Time. It is hereby ORDERED that, for good cause shown, Defendants' motion is GRANTED. It is further ORDERED that Defendants shall, by December 2, 2022, produce to the Government a list identifying the witnesses they anticipate they may call during their case–in–chief. It is further ORDERED that Defendants shall, by December 8, 2022, satisfy their reciprocal discovery obligations, if any, under Rule 16(b) and produce to the Government a list of exhibits they anticipate they may introduce during their case–in–chief. Signed by Judge Timothy J. Kelly on 11/28/2022. (lctjk1) (Entered: 11/28/2022)
11/28/2022	<u>552</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) denying Defendants' <u>518</u> Motion to Dismiss Counts One, Two, and Four. See Order for details. Signed by Judge Timothy J. Kelly on 11/28/2022. (lctjk1) (Entered: 11/28/2022)
11/28/2022	<u>553</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to ZACHARY REHL re <u>549</u> Notice of Appeal – Interlocutory. (zltp) (Entered: 11/28/2022)
11/29/2022	<u>556</u>	TRANSCRIPT OF PRETRIAL CONFERENCE (partially sealed – with redactions) in the case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before the Honorable Timothy J. Kelly held on 11/18/2022. Page Numbers: 1–163. Date of Issuance: 11/22/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118.



		<p>Transcripts may be ordered by going to <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/20/2022. Redacted Transcript Deadline set for 12/30/2022. Release of Transcript Restriction set for 2/27/2023.(Meyer, Nancy) Modified hearing date on 11/29/2022 (znmw). (Entered: 11/29/2022)</p>
11/29/2022		USCA Case Number as to ZACHARY REHL 22–3091 for <u>549</u> Notice of Appeal – Interlocutory filed by ZACHARY REHL. (zltp) (Entered: 11/29/2022)
11/29/2022	<u>560</u>	REPLY by ZACHARY REHL re <u>550</u> Response to document, <i>GOVERNMENTS SUPPLEMENTAL MEMORANDUM REGARDING MOTIONS IN LIMINE</i> (Hernandez, Carmen) (Entered: 11/29/2022)
11/30/2022		Set/Reset Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): VTC Status Conference set for 12/2/2022 at 9:30 AM before Judge Timothy J. Kelly. Oral Ruling set for 12/12/2022 at 1:00 PM in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 11/30/2022)
11/30/2022	<u>562</u>	SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 11/30/2022. (lctjk1) (Entered: 11/30/2022)
12/02/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 12/2/2022. The appearance of ALL Defendants was WAIVED. Defense Submissions due by 12/5/2022. Government Responses due by 12/7/2022. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/02/2022)
12/02/2022	<u>565</u>	MOTION to Access <i>Trial Exhibits</i> by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to



		ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Tobin, Charles) (Entered: 12/02/2022)
12/02/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting in part Defendant Rehl's oral motion for extension of Defendants' deadline to disclose their witness lists. "[D]istrict court judges enjoy wide discretion in managing the discovery process," including "the latitude to set deadlines" and "resolve disputes." <i>Shatsky v. Syrian Arab Republic</i> , 312 F.R.D. 219, 223 (D.D.C. 2015). The Court previously ordered Defendants to provide their witness list to the Government and the Court by today, December 2, 2022, to assist in the <i>voir dire</i> process. The Court finds that such purpose can be accomplished by receiving their witness list by December 16, 2022. Thus, the Court ORDERS that Defendants shall disclose to the Government a list identifying the witnesses they may call during their case-in-chief by December 16, 2022. It is further ORDERED that Defendants shall, at the same time, provide their list to the Court at Kelly_Chambers@dcd.uscourts.gov. Finally, it is further ORDERED that the Government shall provide its witness list to the Court at Kelly_Chambers@dcd.uscourts.gov by December 3, 2022, for inclusion in the Juror Questionnaire. Signed by Judge Timothy J. Kelly on 12/2/2022. (lctjk1) (Entered: 12/02/2022)
12/03/2022	<u>566</u>	TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 12-2-22; Page Numbers: 1-80; Date of Issuance: 12-3-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>  For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.  Redaction Request due 12/24/2022. Redacted Transcript Deadline set for 1/3/2023. Release of Transcript Restriction set for 3/3/2023.(Miller, Timothy) (Entered: 12/03/2022)
12/07/2022	<u>577</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 558 MOTION for Order for Lesser-Included Offense Instruction on Section1512(d)(1) (Kenerson, Erik) (Entered: 12/07/2022)
12/09/2022	<u>581</u>	MOTION to Dismiss Case , MOTION GRANT IMMUNITY AND ADOPT CODEFENDANTS' FILINGS , MOTION to Sever Defendant , MOTION to Continue by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 12/09/2022)

12/09/2022	<u>583</u>	MOTION TO ADOPT TARRIO'S SECOND MOTION TO CHANGE VENUE AND/OR EXPAND VENIRE by ZACHARY REHL re: 582 Motion to Change Venue and/or Expand Venire (Hernandez, Carmen) Modified text and event type on 1/6/2023 (zltp). (Entered: 12/09/2022)
12/10/2022	<u>584</u>	MOTION Join and Supplement Defendant Tarrio's Motion to Dismiss (ECF No 572) and Defendant Rehl's Motion to Dismiss (ECF No 581) by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) Modified event types on 12/29/2022 (zltp). Modified on 1/5/2023 (ztnr). (Entered: 12/10/2022)
12/11/2022	<u>585</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) denying Defendants' 434 , <u>437</u> , <u>439</u> , <u>440</u> , <u>442</u> , <u>443</u> , and 473 Motions to Dismiss. See Order for details. Signed by Judge Timothy J. Kelly on 12/11/2022. (lctjk1) (Entered: 12/11/2022)
12/11/2022	<u>586</u>	MEMORANDUM OPINION as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6) in support of <u>585</u> Order denying Defendants' 434 , <u>437</u> , <u>439</u> , <u>440</u> , <u>442</u> , <u>443</u> , and 473 Motions to Dismiss. Signed by Judge Timothy J. Kelly on 12/11/2022. (lctjk1) (Entered: 12/11/2022)
12/11/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the motions filed last week, including those filed on December 9, 2022, it is hereby ORDERED that the hearing scheduled for December 12, 2022 at 1:00 p.m. is CONTINUED until December 14, 2022 at 9:30 a.m. in Courtroom 11. It is further ORDERED that the parties shall be prepared to address the motions filed last week at the hearing. The Court will also rule on the pending motions <i>in limine</i> at that time. Signed by Judge Timothy J. Kelly on 12/11/2022. (lctjk1) (Entered: 12/11/2022)
12/12/2022	<u>587</u>	MOTION for Reconsideration re <u>586</u> Memorandum Opinion, <i>re DENIAL OF MOTION TO DISMISS SEDITIONOUS CONSPIRACY (ECF 443)</i> by ZACHARY REHL. (Hernandez, Carmen) (Entered: 12/12/2022)
12/13/2022	<u>589</u>	Memorandum in Opposition by USA as to JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO re 588 Motion for Joinder, Motion to Change Venue, 582 Motion to Change Venue, <u>583</u> Motion for Miscellaneous Relief (Moore, Nadia) (Entered: 12/13/2022)
12/13/2022	<u>590</u>	REPLY TO OPPOSITION to Motion by USA as to ETHAN NORDEAN, ZACHARY REHL re <u>584</u> MOTION Join and Supplement Defendant Tarrio's Motion to Dismiss (ECF No 572) and Defendant Rehl's Motion to Dismiss (ECF No 581) (McCullough, Jason) (Entered: 12/13/2022)
12/13/2022	<u>591</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Trial is set to commence in this matter on December 19, 2022. The attached Order sets forth various schedule, location, seating, access, media, masking, and other logistics. See Order for details. Signed by Judge Timothy J. Kelly on 12/13/2022. (lctjk1) (Entered: 12/13/2022)
12/14/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Oral Ruling/Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY

		REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 12/14/2022. For the reasons stated on the records, the ruling on ECF <u>475</u> is RESRVED, ECF 489 is GRANTED in part, DENIED in part, and RESERVED ruling in part, ECF 491 is GRANTED in part, DENIED in part, and RESERVED ruling in part, ECF <u>492</u> is DENIED, ECF <u>494</u> is GRANTED in part and RESERVED ruling in part, ECF <u>495</u> is DENIED, ECF 567 is DENIED, ECF 582 is DENIED without prejudice, and ECF 588 is DENIED without prejudice. Bond Status of Defendant:s 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorney:s 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/14/2022)
12/15/2022	<u>592</u>	Joint MOTION to Clarify <i>that Opening Statements Will Be Made on or After January 3, 2023 (Government Joins Relief Sought by Motion)</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 12/15/2022)
12/16/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the parties' <u>592</u> Joint Motion for Clarification. For the reasons discussed on the record at the December 14, 2022, hearing, it is hereby ORDERED that opening statements in this matter will begin no earlier than January 3, 2023. Signed by Judge Timothy J. Kelly on 12/16/2022. (lctjk1) (Entered: 12/16/2022)
12/19/2022		MINUTE ORDER as to ZACHARY REHL (3): On December 12, 2022, Defendant Zachary Rehl filed his <u>587</u> Motion for Reconsideration of the Court's <u>586</u> Memorandum Opinion denying Defendants' various motions to dismiss. It is hereby ORDERED that the Government shall file any opposition to Defendant's <u>587</u> Motion by December 23, 2022. Signed by Judge Timothy J. Kelly on 12/19/2022. (lctjk1) (Entered: 12/19/2022)
12/19/2022	<u>594</u>	<p>REDACTED TRANSCRIPT OF ORAL RULING &amp; STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 12–14–22; Page Numbers: 1–169; Date of Issuance: 12–19–22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p>

		Redaction Request due 1/9/2023. Redacted Transcript Deadline set for 1/19/2023. Release of Transcript Restriction set for 3/19/2023.(Miller, Timothy) (Entered: 12/19/2022)
12/19/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/19/2022. Jury Selection begun and continued to 12/20/2022 at 10:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/19/2022)
12/19/2022	<u>595</u>	TRIAL PROCEDURES ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 12/19/2022. (lctjk1) (Entered: 12/19/2022)
12/20/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/20/2022. Jury Selection resumed and continued to 12/21/2022 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/20/2022)
12/21/2022	<u>596</u>	NOTICE OF FILING CASE LAW AND OTHER MATERIALS by ZACHARY REHL (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) (Entered: 12/21/2022)
12/21/2022	<u>597</u>	NOTICE Corrected NOTICE OF FILING CASE LAW AND OTHER MATERIALS by ZACHARY REHL (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) (Entered: 12/21/2022)
12/21/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/21/2022. Jury Selection resumed and continued to 12/22/2022 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorney: 1–Nicholas D. Smith, 2–John Daniel Hull,

		IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/21/2022)
12/22/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/22/2022. Jury Selection resumed and continued to 12/23/2022 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/22/2022)
12/23/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/23/2022. Jury Selection resumed and continued to 1/3/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/23/2022)
12/23/2022	<u>601</u>	RESPONSE by USA as to ZACHARY REHL re <u>587</u> MOTION for Reconsideration re <u>586</u> Memorandum Opinion, re <i>DENIAL OF MOTION TO DISMISS SEDITIOUS CONSPIRACY (ECF 443)</i> (Mulroe, Conor) (Entered: 12/23/2022)
12/28/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the pace of jury selection, it is hereby ORDERED that the Court's <u>595</u> Trial Procedures Order is amended as follows: the parties shall provide any exhibits, charts, summaries, or demonstratives intended for use in connection with their opening statements to all counsel no later than January 2, 2023 at 1:00 p.m. Any objection to any party's proposed use of an exhibit, chart, summary, or demonstrative in their opening statement must be submitted to the Court for resolution by January 3, 2023. Signed by Judge Timothy J. Kelly on 12/28/2022. (lctjk1) (Entered: 12/28/2022)
12/28/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that by December 29, 2022, the Government shall produce to the Defendants, via USAfx, copies of all exhibits provided to the Court. It is further ORDERED that, by January 4, 2023, the Government shall produce one hard copy set of the same to any Defendant who so requests. Defense counsel are encouraged to confer about the possibility of sharing hard copy sets so as to minimize the number of



		sets that must be reproduced. Signed by Judge Timothy J. Kelly on 12/28/2022. (lctjk1) (Entered: 12/28/2022)
12/28/2022		<p>MINUTE ORDER as to ZACHARY REHL (3) denying Defendant's <u>587</u> Motion for Reconsideration. Defendant Zachary Rehl has moved the Court to reconsider its ruling that 18 U.S.C. § 2384's "force" element is not unconstitutionally vague, so dismissal of Count 1 of the Third Superseding Indictment was unwarranted. <i>See</i> ECF No. 586 at 20. In this district, motions to reconsider interlocutory orders are available only "as justice requires." <i>See United States v. Hemingway</i>, 930 F. Supp. 2d 11, 12 (D.D.C. 2013) (cleaned up). A court should grant such a motion only if "(1) there has been an intervening change in controlling law; (2) there is new evidence; or (3) there is a need to correct clear error or prevent manifest injustice." <i>United States v. Ferguson</i>, 574 F. Supp. 2d 111, 113 (D.D.C. 2008). Rehl offers no such reason for the Court to reconsider its prior ruling. First, there has been no intervening change in controlling law, and Rehl does not contend otherwise. Second, Rehl argues that "the government's recent assertion that it will prove defendants' guilt under a 'tools theory of the conspiracy'...reflects new evidence to support Mr. Rehl's argument that as charged in the seditious conspiracy count, <i>force</i> is unconstitutionally vague." ECF No. 587 at 1. Even if this is a new theory of how the Government plans to prove its case—and even that is not clear to the Court—it is not new evidence in support of Rehl's initial argument. That leaves Rehl's assertion that the Court's ruling was clear error. But nothing about any of the cases Rehl cites suggests that the Court erred at all, let alone clearly. Rehl argues that the Court's reliance on <i>Curtis Johnson v. United States</i>, 559 U.S. 133, 139–40 (2010) and <i>United States v. Abu Khatallah</i>, 316 F. Supp. 3d 207, 214–15 (D.D.C. 2018) was misplaced. But to start, Rehl misunderstands the Court's discussion of those cases. The Court's ruling did not depend on them. Rather, they simply offered examples where courts, in other contexts, defined "physical force" without vagueness problems, underscoring the shortcomings of Rehl's argument that "force" is unconstitutionally vague as used in the seditious conspiracy statute. Even so, these cases do not show any clear error. In addition, Rehl insists that a string of Supreme Court cases, including <i>Johnson v. United States</i>, 576 U.S. 591 (2015) (involving the Armed Career Criminal Act), <i>Sessions v. Dimaya</i>, 138 S. Ct. 1204 (2018) (involving the Immigration and Nationality Act), and <i>United States v. Davis</i>, 139 S. Ct. 2319 (2019) (involving 18 U.S.C. § 924(c)), prove that the word "force" is unconstitutionally vague here. These cases do no such thing. Rather, they struck down as unconstitutionally vague so-called "residual" definitions of "violent felony" or "crime of violence" in those statutes, which required courts to approximate whether an offense, in the "ordinary case," carried so substantial a risk that physical force would be employed as to render the offense categorically violent. <i>See Johnson</i>, 576 U.S. at 597; <i>Dimaya</i>, 138 S. Ct. at 1223; <i>Davis</i>, 139 S. Ct. at 2336. In contrast, they left intact those statutes' so-called "elements" clauses, which define a "violent felony" or "crime of violence" as a crime that "has as an element the use...of physical force." <i>See, e.g., Johnson</i>, 576 U.S. at 594; see also <i>Curtis Johnson</i>, 559 U.S. at 140 (defining "force" under the elements clause). Finally, Rehl points to <i>Borden v. United States</i>, 141 S. Ct. 1817 (2021) and a slew of out-of-circuit precedent where courts grappled with how to apply the ACCA's, INA's, or Section 924(c)'s elements clauses to various predicate offenses. But the issues in those cases simply have no bearing on whether "force" is unconstitutionally vague here. <i>See</i> ECF No. 587 at 7–8. Rehl may argue that the Court should define "force" in a particular way in connection with the Court's jury instructions, and if he is convicted, he may argue in a post-trial motion that the evidence against him was insufficient or that the statute, as applied to him, was impermissibly vague. <i>See United States v. Andries</i>, No. 21–cr–93 (RC), 2022 WL</p>



		768684, at *8 (D.D.C. Mar. 14, 2022) ("Rule 12 permits pretrial resolution of a motion to dismiss the indictment only when trial of the facts surrounding the commission of the alleged offense would be of no assistance in determining the validity of the defense." (cleaned up)). But none of the authority he cites suggests that the Court clearly erred in refusing to dismiss the seditious conspiracy charge against him because the force element is unconstitutionally vague. For all these reasons, it is hereby ORDERED that Rehl's <u>587</u> Motion for Reconsideration is DENIED. Signed by Judge Timothy J. Kelly on 12/28/2022. (lctjk1) (Entered: 12/28/2022)
12/29/2022	<u>607</u>	REPLY by USA as to ZACHARY REHL <i>request that the government create binders for defense counsel</i> (McCullough, Jason) (Entered: 12/29/2022)
12/30/2022	<u>608</u>	REPLY by ZACHARY REHL re <u>607</u> Reply to document <i>IN OPPOSITION TO GOVERNMENTS OPPOSITION TO DEFENDANTS REQUEST THAT THE GOVERNMENT BE REQUIRED TO CREATE BINDERS FOR THE DEFENSE</i> (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) (Entered: 12/30/2022)
12/30/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the parties' submissions at ECF Nos. 607 and 608, the Court's December 28, 2022 Minute Order requiring the Government to produce hard copy binders of its exhibits to defense counsel is hereby temporarily STAYED. It is further ORDERED that the parties shall appear for trial at 8:45 a.m. on Tuesday, January 3, 2023 to discuss this and other outstanding matters. Signed by Judge Timothy J. Kelly on 12/30/2022. (lctjk1) (Entered: 12/30/2022)
12/31/2022	<u>613</u>	NOTICE OF FILING MATERIALS RELATED TO GOVERNMENT DISCOVERY PRODUCTIONS by ZACHARY REHL re Order,,, Set Hearings,, <u>608</u> Reply to document, <u>607</u> Reply to document (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) (Entered: 12/31/2022)
01/02/2023	<u>618</u>	MOTION TO ADOPT CODEFENDANTS MOTION re: ECF 598 and ECF 617 by ZACHARY REHL. (Hernandez, Carmen) Modified text and event type on 1/3/2023 (zltp). (Entered: 01/02/2023)
01/02/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) treating as opposed and granting in part Defendants' 616 Joint Motion for Extension of Time. Upon consideration of Defendants' joint motion and the issues surrounding the Government's exhibit numbering conventions, it is hereby ORDERED that Defendants' motion is GRANTED in part. It is further ORDERED that Defendants shall, by January 6, 2023, furnish the Court with two sets of binders containing their exhibit lists and copies of their premarked exhibits. Signed by Judge Timothy J. Kelly on 1/2/2023. (lctjk1) (Entered: 01/02/2023)
01/03/2023		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Defendants' Exhibit Lists and copies of premarked exhibits due by 1/6/2023. (zkh) (Entered: 01/03/2023)
01/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/3/2023. Jury Selection resumed and continued to 1/4/2023 at 8:45 AM in Courtroom 24A

		<p>before Judge Timothy J. Kelly. Bond Status of Defendants:  1–Committed/Commitment Issued, 2–Committed/Commitment Issued,  3–Committed/Commitment Issued, 5–Committed/Commitment Issued,  6–Committed/Commitment Issued; Court Reporter: Timothy Miller (AM) and  Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel  Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino  Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough,  Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/03/2023)</p>
01/04/2023		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to  ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts  1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on  Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/4/2023.  Jury Selection resumed and continued to 1/5/2023 at 8:45 AM in Courtroom 24A  before Judge Timothy J. Kelly. Bond Status of Defendants:  1–Committed/Commitment Issued, 2–Committed/Commitment Issued,  3–Committed/Commitment Issued, 5–Committed/Commitment Issued,  6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa  Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and  Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui,  6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam  McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh)  (Entered: 01/04/2023)</p>
01/05/2023	<u>625</u>	<p>MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2),  ZACHARY REHL (3), and ENRIQUE TARRIO (5) denying Defendants' 569 , 572 ,  581 , 611 , and 612 motions to dismiss and for other relief. See Order for details.  Signed by Judge Timothy J. Kelly on 1/5/2023. (lctjk1) (Entered: 01/05/2023)</p>
01/05/2023		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly:Jury Selection as to  ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts  1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on  Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/5/2023.  For the reasons stated on the record, Defendant PEZZOLA's 598 MOTION for  Additional Defense Peremptory Challenges, heard and DENIED. Jury Selection  resumed and continued to 1/6/2023 at 8:45 AM in Courtroom 24A before Judge  Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued,  2–Committed/Commitment Issued, 3–Committed/Commitment Issued,  5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court  Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys:  1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D.  Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and  Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael  Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/05/2023)</p>
01/06/2023		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to  ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts  1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on  Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/6/2023.  Jury Selection resumed and continued to 1/9/2023 at 9:30 AM in Courtroom 24A  before Judge Timothy J. Kelly. Bond Status of Defendants:  1–Committed/Commitment Issued, 2–Committed/Commitment Issued,  3–Committed/Commitment Issued, 5–Committed/Commitment Issued,</p>

		6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/06/2023)
01/07/2023	<u>627</u>	ENTTERED IN ERROR.....MOTION to Quash by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (English, Gregory) Modified on 1/17/2023 (zltf). (Entered: 01/07/2023)
01/07/2023		NOTICE OF ERROR as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA regarding <u>627</u> MOTION to Quash . The following error(s) need correction: Leave to file not yet requested and/or granted. Counsel has been contacted with further instructions. (zltf) (Entered: 01/17/2023)
01/09/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/9/2023. Jury Selection resumed and continued to 1/10/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller and Lisa Edwards; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/09/2023)
01/09/2023	<u>629</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 628 Motion for Miscellaneous Relief (McCullough, Jason) (Entered: 01/09/2023)
01/10/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/10/2023. Jury Selection resumed and continued to 1/11/2023 at 09:00 AM in Courtroom 24A–In Person before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/10/2023)
01/11/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on

		Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/11/2023. Jury Selection resumed and continued to 1/12/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/11/2023)
01/12/2023		MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Timothy J. Kelly on 1/12/2023. (zkh) (Entered: 01/12/2023)
01/12/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection/Trial resumed and held on 1/12/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Twelve (12) jurors and three (3) alternates selected and sworn. Jury Trial begun and continued to 1/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/12/2023)
01/13/2023	<u>635</u>	NOTICE <i>Regarding Opening Statement</i> by ZACHARY REHL (Hernandez, Carmen) (Entered: 01/13/2023)
01/13/2023	<u>636</u>	<p>TRANSCRIPT OF MOTION HEARING in case as to ZACHARY REHL before Judge Timothy J. Kelly held on October 7, 2022. Page Numbers: 1 – 83. Date of Issuance: January 13, 2023. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 2/3/2023. Redacted Transcript Deadline set for 2/13/2023. Release of Transcript Restriction set for 4/13/2023.(Hook, Jeff) (Entered: 01/13/2023)</p>

01/13/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/17/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Lisa Edwards; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. Government Witness: Inspector Thomas Loyd (testimony begun and continued). (zkh) (Entered: 01/13/2023)
01/17/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/17/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/18/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Inspector Thomas Loyd (testimony resumed and concluded). (zkh) (Entered: 01/17/2023)
01/18/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/18/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/19/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Nicholas Kaiser (testimony begun and concluded), MPD Investigator Joshua Koble (testimony begun and concluded), USSS Agent Lenelle Hawa (testimony begun and continued). (zkh) (Entered: 01/18/2023)
01/19/2023	<u>639</u>	MOTION TO TAKE JUDICIAL NOTICE OF CERTAIN FACTS by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 01/19/2023)
01/19/2023		



		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/19/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/20/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: USSS Agent Lenelle Hawa (testimony resumed and concluded) and Nicholas Quested (testimony begun and continued). (zkh) (Entered: 01/19/2023)
01/20/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/20/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Initial filings by parties due by 5:00PM on 1/21/2023. Any Responses due by 1:00PM on 1/22/2023. Jury Trial continued to 1/23/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Nicholas Quested (testimony resumed and continued). (zkh) (Entered: 01/20/2023)
01/20/2023		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), AND DOMINIC J. PEZZOLA (6): Filings due by 1/21/2023. Responses due by 1/22/2023. (zkh) (Entered: 01/20/2023)
01/21/2023	<u>641</u>	MOTION to Exclude <i>Hearsay</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (McCullough, Jason) (Entered: 01/21/2023)
01/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/23/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui,

		6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: Nicholas Quested (testimony resumed and concluded) and FBI Special Agent Timothy Klapac (testimony begun and concluded). (zkh) (Entered: 01/23/2023)
01/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/25/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Matthew Greene (testimony begun and continued). (zkh) (Entered: 01/24/2023)
01/25/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/25/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/26/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. Government Witness: Matthew Greene (testimony resumed and continued). (zkh) (Entered: 01/25/2023)
01/26/2023		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The Jury Trial currently set for 1/26/2023 is <b>RESCHEDULED</b> for 1/30/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. (zkh) (Entered: 01/26/2023)
01/27/2023	<u>652</u>	NOTICE of Attorney Appearance by HENDRICK BLOCK as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/27/2023. (zltf) (Entered: 02/01/2023)
01/27/2023	<u>653</u>	MOTION for Leave to File by HENDRICK BLOCK as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/27/2023. (Attachments: # <u>1</u> Text of Proposed Order for Leave to File, # <u>2</u> Motion to Quash Subpoena, # <u>3</u> Text of Proposed Order to Quash Subpoena)(zltf) (Entered: 02/01/2023)

01/27/2023	<u>696</u>	MOTION to Quash by HENDRICK BLOCK as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/27/2023. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Entered: 03/14/2023)
01/28/2023	<u>644</u>	MOTION to Exclude <i>Improper Impeachment</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Kenerson, Erik) (Entered: 01/28/2023)
01/28/2023	<u>646</u>	MOTION in Limine to Admit <i>Telegram Exhibits</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Mulroe, Conor) (Entered: 01/28/2023)
01/29/2023	<u>649</u>	MOTION for Joinder to Adopt and Supplement Nordeans Omnibus Response to the Governments Motions by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) Modified event type on 1/30/2023 (zltp). (Entered: 01/29/2023)
01/30/2023	<u>650</u>	MOTION to Exclude <i>Overview Testimony by Law Enforcement Officers</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 01/30/2023)
01/30/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/30/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/31/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: Matthew Greene (testimony resumed and concluded) and FBI Special Agent Kathryn Camiliere (testimony begun and continued). (zkh) (Entered: 01/30/2023)
01/31/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/31/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/1/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Kathryn Camiliere (testimony resumed and continued). (zkh) (Entered: 01/31/2023)

02/01/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/1/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/2/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Lorraine Herman; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Kathryn Camiliere (testimony resumed and concluded) and FBI Special Agent Elizabeth DeAngelo (testimony begun and continued). (zkh) (Entered: 02/01/2023)
02/02/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/2/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/6/2023 at 11:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Elizabeth DeAngelo (testimony resumed and concluded), FBI Special Agent Anne Borgertpoepping (testimony begun and concluded), and USCP Officer Shae Cooney (testimony begun and concluded). (zkh) (Entered: 02/02/2023)
02/03/2023	<u>654</u>	RESPONSE by ZACHARY REHL re <u>646</u> MOTION in Limine to Admit Telegram Exhibits (Hernandez, Carmen) (Entered: 02/03/2023)
02/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/6/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Defendant PEZZOLA (6) NOT PRESENT (appearance waived). Jury panel not present. Oral argument heard and taken under advisement. Jury Trial continued to 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 02/06/2023)



02/07/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/7/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/8/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: USCP Officer Shae Cooney (testimony begun and concluded), Former USCP Officer Mark Ode (testimony begun and concluded), and FBI Sr. Digital Forensic Examiner Jennifer "Kate" Cain (testimony begun and continued). (zkh) (Entered: 02/07/2023)
02/08/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/8/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/9/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Lisa Edwards (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Sr. Digital Forensic Examiner Jennifer "Kate" Cain (testimony resumed and concluded) and FBI Special Agent Peter Dubrowski (testimony begun and continued). (zkh) (Entered: 02/08/2023)
02/09/2023	<u>659</u>	NOTICE OF FILING OBJECTIONS TO ELICITING OPINION TESTIMONY FROM A FACT WITNESS, USE OF LEADING QUESTIONS AND REQUEST FOR LIMITING INSTRUCTIONS by ZACHARY REHL (Hernandez, Carmen) (Entered: 02/09/2023)
02/09/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/9/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/10/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore;



		Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/09/2023)
02/10/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/10/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/10/2023)
02/10/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the discussion on the record at the close of today's proceedings, it is hereby ORDERED that any Defendant who seeks to admit any portion of Government's Exhibit 613 on cross–examination of Special Agent Dubrowski shall identify those portions for the Government and the Court, via Kelly_Chambers@dcd.uscourts.gov, by February 12, 2023 at 12:00 noon, so that the Court may prepare to rule on their admissibility. Signed by Judge Timothy J. Kelly on 2/10/2023. (lctjk1) (Entered: 02/10/2023)
02/13/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/14/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/13/2023)
02/14/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/14/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/15/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued,

		6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/14/2023)
02/15/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/15/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/16/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/15/2023)
02/16/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/16/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Jury panel not present. For the reasons stated on the record, Defendant's 648 MOTION For Mistrial is DENIED. Jury Trial continued to 2/21/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 02/16/2023)
02/21/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/21/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/22/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Peter Dubrowski (testimony resumed and

		concluded) and Jeremy Bertino (testimony begun and continued). (zkh) (Entered: 02/21/2023)
02/22/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/22/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/23/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and continued). (zkh) (Entered: 02/22/2023)
02/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/23/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Jury panel not present. Jury Trial continued to 2/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 02/23/2023)
02/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/27/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and continued). (zkh) (Entered: 02/24/2023)
02/27/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to

		2/28/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and continued). (zkh) (Entered: 02/27/2023)
02/28/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/28/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/1/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Lisa Edwards (AM) and Maria Weinbeck (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and concluded). (zkh) (Entered: 02/28/2023)
03/01/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/1/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/2/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: Jason McIntyre (testimony begun and concluded) and USCP Officer David Riggelman (testimony begun and continued). (zkh) (Entered: 03/01/2023)
03/02/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/2/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/6/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Lorraine Herman (AM) and Maria Weinbeck (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull,



		IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: USCP Officer David Rigglesman (testimony begun and concluded), Kevin McCumber (testimony begun and concluded), and Edgar C. Tippet (testimony begun and concluded). (zkh) (Entered: 03/02/2023)
03/03/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of evidentiary disputes raised on March 2, 2023 and upon consideration of the parties' joint proposal, it is hereby ORDERED that the parties shall meet and confer on the disputes at issue by Sunday, March 5, 2023. It is further ORDERED that the jury trial scheduled for Monday, March 6, 2023 is CONVERTED to a motions hearing at 10:00 a.m. in Courtroom 24. It is further ORDERED that trial will resume on Tuesday, March 7, 2023. Signed by Judge Timothy J. Kelly on 3/3/2023. (lctjk1) (Entered: 03/03/2023)
03/05/2023	<u>676</u>	MOTION for Order to Impose Additional Trial Procedures by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (McCullough, Jason) (Entered: 03/05/2023)
03/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/6/2023. Oral argument heard and taken under advisement. Jury Trial to resume on 3/7/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/06/2023)
03/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of Mr. Eddie Block's <u>653</u> and Mr. Kenny Lizardo's <u>651</u> motions to quash defendants' subpoenas, the latter of which is filed under seal, it is hereby ORDERED that, by March 9, 2023, any defendant intending to question either movant shall file, <i>ex parte</i> and under seal, a proffer outlining the information the defendant intends to elicit from the movant. It is further ORDERED that, also by March 9, 2023, the Government shall file the same, <i>ex parte</i> and under seal, outlining information on which it would anticipate cross examining each movant. It is further ORDERED that, by the same date, both Mr. Block and Mr. Lizardo shall file, <i>ex parte</i> and under seal, a proffer outlining the factual basis supporting their Fifth Amendment privilege claims. Finally, it is further ORDERED that Mr. Block shall appear for a VTC hearing, <i>ex parte</i> and under seal, at 11:00 a.m. on Friday, March 10, 2023, and Mr. Lizardo shall appear for the same at 12:00 p.m. Signed by Judge Timothy J. Kelly on 3/7/2023. (lctjk1) (Entered: 03/07/2023)
03/07/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/7/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE



		TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/8/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony begun and continued). (zkh) (Entered: 03/07/2023)
03/08/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/8/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/9/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and continued). (zkh) (Entered: 03/08/2023)
03/09/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/9/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Jury panel not present. Oral argument heard, including examination of witness, and taken under advisement. Jury Trial continued to 3/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller. (zkh) (Entered: 03/09/2023)
03/10/2023	<u>685</u>	MOTION to Continue <i>Deadline for Filings Regarding Scope of Cross–Examination</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 03/10/2023)
03/10/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) treating as opposed and granting the Government's <u>685</u> Motion to Continue. It is

		hereby ORDERED that, for good cause shown, the Government's <u>685</u> motion to continue the deadline for filings regarding the scope of cross-examination of Special Agent Miller is GRANTED. It is further ORDERED that any party wishing to file any briefing related to the scope of cross-examination, per the Court's instruction on the record on March 9, 2023, shall do so by March 12, 2023 at 12:00 noon. Signed by Judge Timothy J. Kelly on 3/10/2023. (lctjk1) (Entered: 03/10/2023)
03/10/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the Government's <u>676</u> Motion for Order to Impose Additional Trial Procedures, it is hereby ORDERED that any Defendant who objects to the <u>676</u> motion shall file his opposition by Wednesday, March 15, 2023. Signed by Judge Timothy J. Kelly on 3/10/2023. (lctjk1) (Entered: 03/10/2023)
03/12/2023	<u>687</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA <i>to Court's Order Regarding Scope of Examination Filings</i> (Attachments: # <u>1</u> Exhibit A – Trulincs Login Banner)(Kenerson, Erik) (Entered: 03/12/2023)
03/12/2023	<u>690</u>	NOTICE of Corrected Brief by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Exhibit 1 – Corrected Brief, # <u>2</u> Exhibit A – Trulincs Login Banner)(Kenerson, Erik) (Entered: 03/12/2023)
03/13/2023	<u>694</u>	MOTION to Dismiss Case <i>AND FOR AN EVIDENTIARY HEARING</i> by ZACHARY REHL. (Hernandez, Carmen) (Entered: 03/13/2023)
03/13/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/14/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and continued). (zkh) (Entered: 03/13/2023)
03/13/2023	713	MOTION for Evidentiary Hearing by ZACHARY REHL. (See docket entry <u>694</u> to view document.)(zltp) (Entered: 03/21/2023)
03/14/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6) denying as moot Eddie Block's <u>696</u> Motion to Quash his subpoena. Mr. Block's counsel has represented that the <u>696</u> motion is withdrawn. Thus, it is hereby ORDERED that it is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 3/14/2023. (lctjk1) (Entered: 03/14/2023)
03/14/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/14/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH

		R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/15/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and continued). (zkh) (Entered: 03/14/2023)
03/15/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/15/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/16/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and concluded). (zkh) (Entered: 03/15/2023)
03/16/2023	<u>702</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>676</u> Motion for Additional Trial Procedures. See Order for details. Signed by Judge Timothy J. Kelly on 3/16/2023. (lctjk1) (Entered: 03/16/2023)
03/16/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/16/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/17/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Peter Dubrowski (recall testimony begun and concluded) and USCP Officer Marc Carrion (testimony begun and continued). (zkh) (Entered: 03/16/2023)
03/17/2023		

		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/17/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/20/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: USCP Officer Marc Carrion (testimony resumed and concluded). (zkh) (Entered: 03/17/2023)
03/20/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/20/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Government rests its case–in–chief. Oral motion by ALL Defendants for Rule 29 Judgment of Acquittal, HEARD and ruling RESERVED. Jury Trial continued to 3/21/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witnesses: Michael Emanuel (Graves) (testimony begun and concluded) and Travis Nugent (testimony begun and concluded). (zkh) (Entered: 03/20/2023)
03/20/2023	<u>709</u>	Memorandum in Opposition by USA as to ZACHARY REHL re <u>694</u> Motion to Dismiss Case <i>And for a Hearing</i> (Attachments: # <u>1</u> Exhibit A – Declaration of Alisha Gallagher, # <u>2</u> Exhibit A, Attachment 1, # <u>3</u> Exhibit A, Attachment 2, # <u>4</u> Exhibit A, Attachment 3, # <u>5</u> Exhibit A, Attachment 4, # <u>6</u> Exhibit A, Attachment 5, # <u>7</u> Exhibit B – Rehl Emails to Non–Attorneys, # <u>8</u> Exhibit C – Email Chain Re Fundraiser, # <u>9</u> Exhibit D – ICANN Lookup)(Kenerson, Erik) (Entered: 03/20/2023)
03/21/2023	<u>714</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting Kenneth Lizardo's <u>712</u> Motion to Quash his trial subpoena. See Order for details. Signed by Judge Timothy J. Kelly on 3/21/2023. (lctjk1) (Entered: 03/21/2023)
03/21/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/21/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/22/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status



		of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witness: Henrick Edward Block (testimony begun and continued). (zkh) (Entered: 03/22/2023)
03/22/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/22/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/23/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witness: Henrick Edward Block (testimony resumed and concluded). (zkh) (Entered: 03/22/2023)
03/22/2023	<u>716</u>	ENTERED IN ERROR.....MOTION TO COMPEL DISCLOSURE OF ALL FBI INTERVIEW REPORTS AND ALL DOJ MEMOS RELATING TO THE RECORDING AND REPORTING OF THE DEFENSE TEAM by ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hernandez, Carmen) Modified on 3/22/2023 (zltp). (Entered: 03/22/2023)
03/22/2023	<u>717</u>	Amended MOTION DEFENDANTS CORRECTED MOTION TO COMPEL DISCLOSURE OF ALL FBI INTERVIEW REPORTS AND ALL DOJ MEMOS RELATING TO THE RECORDING AND REPORTING OF THE DEFENSE TEAM , MOTION for Hearing <i>ON EMERGENCY BASIS</i> by ZACHARY REHL. (Hernandez, Carmen) (Entered: 03/22/2023)
03/22/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of Defendant Rehl's <u>717</u> Motion to Compel, which Rehl represents his codefendants join, it is hereby ORDERED that the Government shall file any response by 9:00 a.m. on March 23, 2023. Signed by Judge Timothy J. Kelly on 3/22/2023. (lctjk1) (Entered: 03/22/2023)
03/22/2023		NOTICE OF ERROR as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA regarding <u>716</u> MOTION TO COMPEL DISCLOSURE OF ALL FBI INTERVIEW REPORTS AND ALL DOJ MEMOS RELATING TO THE RECORDING AND REPORTING OF THE DEFENSE TEAM . The following error(s): Incorrect document/case/district. Counsel refiled amended motion as docket entry <u>717</u> . (zltp) (Entered: 03/22/2023)
03/22/2023		



		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of Defendant Rehl's <u>717</u> Motion to Compel and the parties' proposals, the Government's deadline to respond to the motion is hereby EXTENDED to 1:00 p.m. tomorrow, March 23, 2023. It is further ORDERED that the jury trial scheduled for tomorrow, March 23, is CONVERTED to a motions hearing at 3:00 p.m. in Courtroom 24. It is further ORDERED that the trial will resume on Friday, March 24, 2023. Signed by Judge Timothy J. Kelly on 3/22/2023. (lctjk1) (Entered: 03/22/2023)
03/23/2023	<u>719</u>	MOTION to Access to the March 23, 2023 Hearing by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Tobin, Charles) (Entered: 03/23/2023)
03/23/2023	<u>720</u>	Memorandum in Opposition by USA as to ZACHARY REHL, re <u>717</u> Motion for Miscellaneous Relief,, Motion for Hearing, (Attachments: # <u>1</u> Attachment A (Spindel Declaration))(McCullough, Jason) Modified text to remove unassociated defendants on 3/23/2023 (zltpt). (Entered: 03/23/2023)
03/23/2023	<u>721</u>	<p>TRANSCRIPT OF Jury Trial in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 3/20/23; Page Numbers: 14509 – 14724. Date of Issuance:3/23/23. Court Reporter/Transcriber Stacy Heavenridge, Telephone number 2023543243, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 4/13/2023. Redacted Transcript Deadline set for 4/23/2023. Release of Transcript Restriction set for 6/21/2023.(Heavenridge, Stacy) (Entered: 03/23/2023)</p>
03/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/23/2023. Jury Trial set to resume on 3/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued,

		2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/23/2023)
03/23/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the discussion on the record at today's hearing, it is hereby ORDERED that any Defendant with factual information that may aid the Court's resolution of the parties' dispute shall proffer that information—under seal and, if appropriate, <i>ex parte</i> —to the Court by 7:00 a.m. on March 24, 2023. Signed by Judge Timothy J. Kelly on 3/23/2023. (lctjk1) (Entered: 03/23/2023)
03/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/27/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Lisa Edwards; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Tarrío Witness: George Mesa (Ash Barkoziba)(testimony begun and continued). (zkh) (Entered: 03/24/2023)
03/27/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/28/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Jan Dickman; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Tarrío Witnesses: George Mesa (Ash Barkoziba) (testimony resumed and concluded) and Fernando Alonzo (testimony begun and concluded). (zkh) (Entered: 03/27/2023)
03/28/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/28/2023. Case called for Jury Trial but not held. Defendant REHL (3) NOT PRESENT. Jury panel not present. Jury Trial set to resume 3/29/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment

		Issued, 2–Committed/Commitment Issued, 3–Remains Committed, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/28/2023)
03/29/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/29/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/30/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witness: Aaron (testimony begun and concluded) and Defendant Rehl Witness: USCP Sgt. Blane Endale (testimony begun and concluded). (zkh) (Entered: 03/29/2023)
03/30/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/30/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/31/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witnesses: Amanda Rehl (testimony begun and concluded), Jeffery Finley (testimony begun and concluded), and Anthony Guiffre (testimony begun and concluded). (zkh) (Entered: 03/30/2023)
03/31/2023	<u>724</u>	MOTION in Limine to Preclude Improper Cross–examination of Character Witnesses by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 03/31/2023)
03/31/2023	<u>725</u>	MOTION in Limine to Preclude Improper Character Evidence by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Character Reference Letter)(McCullough, Jason) (Entered: 03/31/2023)
03/31/2023	<u>726</u>	RESPONSE by ZACHARY REHL re <u>725</u> MOTION in Limine to Preclude Improper Character Evidence (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) (Entered: 03/31/2023)

03/31/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/31/2023. Case called for Jury Trial but not held. Jury panel not present. Jury Trial set to resume 4/3/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Jan Dickman; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/31/2023)
04/03/2023	<u>728</u>	SUPPLEMENT by ZACHARY REHL re <u>724</u> Cross of Character witness (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) Modified on 4/4/2023 (zhsj). (Entered: 04/03/2023)
04/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly:Jury Trial as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/4/2023, at 9:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Janice Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Jocelyn Balentine; Defendant Rehl Witness: Demetrious Robins. (zgt) (Entered: 04/03/2023)
04/03/2023		MINUTE ORDER as to ZACHARY REHL (3) denying Defendant's Oral Motions for Severance and Bail. On March 20, 2023, after the Government rested its case–in–chief, Defendants moved for a directed verdict under Fed. R. Crim. P. 29. The Court reserved judgment on these motions. Trial Tr. at 14,373. But Defendant Rehl also renewed his motions for severance and bail. Trial Tr. 14,371. Because the Court has already resolved motions on these grounds, <i>see</i> ECF No. 530 (bail); ECF No. 594 at 66 (severance), it construes them as motions for reconsideration. In this district, motions to reconsider interlocutory orders are available only "as justice requires." <i>See United States v. Hemingway</i> , 930 F. Supp. 2d 11, 12 (D.D.C. 2013) (cleaned up). A court should grant such a motion only if "(1) there has been an intervening change in controlling law; (2) there is new evidence; or (3) there is a need to correct clear error or prevent manifest injustice." <i>United States v. Ferguson</i> , 574 F. Supp. 2d 111, 113 (D.D.C. 2008). Rehl cites neither new law nor specific new evidence, and the entire record before the Court does not present "a need to correct clear error or prevent manifest injustice." <i>Id.</i> For severance, Rehl argues that "the only plan" or "agreement...he entered into was the MOSD"; that he did not enter the Capitol until "after the proceedings had been terminated or recessed; "and he did not use force." Trial Tr. 14,371. But nothing about the evidence that has been introduced to date changes the Court's prior conclusion that "the evidence against Rehl...is not so dramatically different from his co–defendants as to require severance. ECF No. 594 at 68. Thus, the Court has no basis to revisit this ruling. So too with the Court's prior



		detention rulings as to Rehl. On this point, Rehl reiterates that "[t]here's no evidence of violence by Mr. Rehl and no evidence of destruction of property that would merit his being detained." Trial Tr. 14,371. Yet the Court has always recognized "there's no evidence that Rehl himself...laid his hands on anyone or fought with anyone, including law enforcement, or used or carried a weapon on that day." ECF No. 147 at 50. Rather, the Court's detention decision turned on the evidence, which the Court will not detail again, that "by his leadership and by his planning," Rehl "facilitated the political violence on January 6th, even if he did not himself use a weapon and did not strike anyone." <i>Id.</i> at 55. Again, the Court does not find that anything material has changed on that front. And inasmuch as Rehl argues that the evidence against him on the destruction-of-property charge is insufficient to warrant detention, that is—in substance—the same Rule 29 motion on which the Court has reserved judgment. So Rehl has not convinced the Court it should revisit its bail ruling, either. Thus, it is hereby ORDERED that Rehl's oral motions for severance and bail are DENIED. Signed by Judge Timothy J. Kelly on 4/3/2023. (lctjk1) (Entered: 04/03/2023)
04/03/2023	<u>731</u>	MEMORANDUM OPINION AND ORDER as to ZACHARY REHL (3) denying Defendant's <u>694</u> Motion to Dismiss and for an Evidentiary Hearing. See Order for details. Signed by Judge Timothy J. Kelly on 4/3/2023. (lctjk1) (Entered: 04/03/2023)
04/04/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/4/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/5/2023, at 9:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl's Witnesses: Demetrious Robins (testimony resumed and concluded), Jonathon L. Nguyen, and Henry McGill; Defendant Pezzola's Witness: Patrick Reiley. (ztg) (Entered: 04/04/2023)
04/05/2023	<u>733</u>	MOTION to Access <i>April 5, 2023 Hearing</i> by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Tobin, Charles) (Entered: 04/05/2023)
04/05/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/5/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/6/2023, at



		9:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Press Coalition Motion, ECF 733, heard and denied. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Janice Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola's Witness: Lisa Magee. (ztg) Modified to correct name of witness on 4/6/2023 (ztg). (Entered: 04/05/2023)
04/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/6/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/11/2023, at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola's Witness: Steven K. Hill; Defendant Tarrio's Witness: Jaclyn Kosinski (reader of exhibits into the record). (ztg) (Entered: 04/06/2023)
04/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the D.C. Circuit's opinion in <i>United States v. Fischer</i> , No. 22–3038, any party who wishes to supplement their arguments related to the Court's proposed jury instruction for 18 U.S.C. § 1512(c)(2) in light of that opinion may do so by Monday, April 10th at 12:00 noon. Signed by Judge Timothy J. Kelly on 4/7/2023. (lctjk1) (Entered: 04/07/2023)
04/08/2023	<u>743</u>	MOTION to Dismiss Count <i>the Obstruction Counts in Light of Intervening Decision of DC Circuit</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 04/08/2023)
04/09/2023	<u>745</u>	MOTION to Strike <i>Out of Court Statements</i> , MOTION for Declaration of Mistrial by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 04/09/2023)
04/10/2023	<u>750</u>	RESPONSE TO ORDER OF THE COURT by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re Order,, Set Deadlines, (Attachments: # <u>1</u> Proposed Jury Instruction)(McCullough, Jason) (Entered: 04/10/2023)
04/10/2023	<u>751</u>	Memorandum in Opposition by USA as to JOSEPH R. BIGGS, ZACHARY REHL re 744 Motion for Joinder, <u>743</u> Motion to dismiss count(s) , SUPPLEMENT by USA as to JOSEPH R. BIGGS, ZACHARY REHL (McCullough, Jason) (Entered: 04/10/2023)

04/11/2023	<u>753</u>	NOTICE OF FILING LEGAL AUTHORITY FOR INTRODUCTION OF THIRD PARTY GUILT BASED ON A STATEMENT AGAINST PENAL INTEREST by ZACHARY REHL (Hernandez, Carmen) (Entered: 04/11/2023)
04/11/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/11/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/12/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witnesses: David Jones (testimony begun and concluded) and Zachary Rehl (testimony begun and continued). (zkh) (Entered: 04/11/2023)
04/12/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/12/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witness: Zachary Rehl (testimony resumed and continued). (zkh) (Entered: 04/12/2023)
04/13/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. The appearances of Defendants NORDEAN (1), BIGGS (2), and PEZZOLA (6) were WAIVED. Jury panel not present. Other trial matters addressed. Jury Trial continued to 4/17/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Remains Committed; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/13/2023)
04/16/2023	<u>754</u>	MOTION to Strike , MOTION TO STRIKE PROPOSED CROSS–EXAMINATION MATERIALS, OR IN THE ALTERNATIVE TO INTRODUCE MATERIALS

		PURSUANT TO FRE 106 AND THE DUE PROCESS CLAUSE by ZACHARY REHL. (Hernandez, Carmen) (Entered: 04/16/2023)
04/17/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/17/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/18/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witness: Zachary Rehl (testimony resumed and continued). (zkh) (Entered: 04/17/2023)
04/18/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/18/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/19/2023 at 9:15 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witness: Zachary Rehl (testimony resumed and concluded); Defendant Pezzola Witness: Dominic J. Pezzola (testimony begun and continued). (zkh) (Entered: 04/18/2023)
04/19/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/19/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/20/2023 at 9:15 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola Witness: Dominic J. Pezzola (testimony resumed and continued). (zkh) (Entered: 04/19/2023)
04/20/2023	<u>756</u>	MOTION to Strike <i>GOVERNMENT VIDEO EXHIBITS AND RELATED TESTIMONY</i> by ZACHARY REHL. (Hernandez, Carmen) (Entered: 04/20/2023)

04/20/2023	<u>757</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>745</u> Motion to Strike, Motion for Declaration of Mistrial (Kenerson, Erik) (Entered: 04/20/2023)
04/20/2023	<u>758</u>	Memorandum in Opposition by USA as to ZACHARY REHL re <u>756</u> Motion to Strike (McCullough, Jason) (Entered: 04/20/2023)
04/20/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/20/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. The Defense rests its case. Jury Trial continued to 4/21/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola Witness: Dominic J. Pezzola (testimony resumed and concluded). (zkh) (Entered: 04/20/2023)
04/21/2023	<u>759</u>	MEMORANDUM IN SUPPORT by ZACHARY REHL re: <u>756</u> MOTION TO STRIKE SEGMENT OF GOVERNMENT EXHIBIT 1001 (Hernandez, Carmen) Modified text to include link on 4/21/2023 (zltp). (Entered: 04/21/2023)
04/21/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/21/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Government presents a joint stipulation for its rebuttal case and then rests. Defendants' renewed oral motion for Judgment of Acquittal, HEARD and ruling RESERVED by the Court. Jury Trial continued to 4/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Stacy Heavenridge (AM) and Sara Wick (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/21/2023)
04/21/2023	760	MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): As discussed at the close of today's proceedings, it is hereby ORDERED that, by April 22, 2023 at 5:00 p.m., the parties shall submit a joint proposed jury instruction on the use of statements to Kelly_Chambers@dcd.uscourts.gov. The Court will not entertain further argument on any other aspect of the jury instructions. Signed by Judge Timothy J. Kelly on 4/21/2023. (lctjk1) (Entered: 04/21/2023)
04/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH



		R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/25/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/24/2023)
04/25/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/25/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury trial concluded. Three (3) alternate jurors discharged. Jury Deliberations set to commence on 4/26/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/25/2023)
04/26/2023	<u>764</u>	ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/26/2023)
04/26/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and Deliberations begun and held on 4/25/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 4/27/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Roger Roots; US Attorney: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/26/2023)
04/26/2023	<u>765</u>	Jury Note #1 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/26/2023)
04/26/2023	<u>766</u>	<b>Signature Page of Foreperson</b>



		as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #1. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 04/26/2023)
04/26/2023	<u>767</u>	Jury Instructions as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/26/2023)
04/26/2023	<u>768</u>	Court's Response to Jury Note <u>765</u> of April 26, 2023 at 4:35 PM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 4/26/2023. (Attachments: # <u>1</u> Attachment) (zkh) (Entered: 04/27/2023)
04/27/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The parties have each provided their respective exhibits to the jury either digitally or in hard copy. The Government has requested that it be permitted to provide certain exhibits that have already been provided to the jury digitally in hard copy as well. This request is DENIED, except insofar as the parties agree that all parties will provide copies of all the exhibits in the alternative format. Signed by Judge Timothy J. Kelly on 4/27/2023. (lctjk1) (Entered: 04/27/2023)
04/27/2023	<u>769</u>	Jury Note #2 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/27/2023)
04/27/2023	<u>770</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #2. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 04/27/2023)
04/27/2023	<u>771</u>	Court's Response to Jury Note <u>769</u> of April 27, 2023 at 10:20 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 4/27/2023. (zkh) (Entered: 04/27/2023)
04/27/2023	<u>772</u>	Jury Note #3 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/27/2023)
04/27/2023	<u>773</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #3. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 04/27/2023)
04/27/2023	<u>774</u>	Court's Response to Jury Note <u>772</u> of April 27, 2023 at 11:45 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 4/27/2023. (zkh) (Entered: 04/27/2023)

04/27/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial/Deliberation resumed and held on 4/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 4/28/2023 at 1:30 PM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/27/2023)
04/28/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 4/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/1/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/28/2023)
05/01/2023	<u>777</u>	Jury Note #4 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/01/2023)
05/01/2023	<u>778</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #4. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/01/2023)
05/01/2023	<u>779</u>	Jury Note #5 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/01/2023)
05/01/2023	<u>780</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #5. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/01/2023)
05/01/2023	<u>781</u>	Court's Response to Jury Note <u>779</u> of May 1, 2023 at 3:19 PM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/1/2023.

		(zkh) (Entered: 05/01/2023)
05/01/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 5/1/2023 as to ETHAN NORDEAN (1) on Counts 1ss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/2/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/01/2023)
05/02/2023	<u>782</u>	Jury Note #6 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/02/2023)
05/02/2023	<u>783</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #6. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/02/2023)
05/02/2023	<u>784</u>	Jury Note #7 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/02/2023)
05/02/2023	<u>785</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #7. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/02/2023)
05/02/2023	<u>786</u>	Court's Response to Jury Note <u>782</u> of May 2, 2023 at 10:47 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/2/2023. (zkh) (Entered: 05/02/2023)
05/02/2023	<u>787</u>	Court's Response to Jury Note <u>784</u> of May 2, 2023 at 11:54 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/2/2023. (zkh) (Entered: 05/02/2023)
05/02/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 5/2/2023 as to ETHAN NORDEAN (1) on Counts 1ss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/3/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before

		Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/02/2023)
05/03/2023	<u>788</u>	Jury Note #8 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/03/2023)
05/03/2023	<u>789</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #8. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/03/2023)
05/03/2023	<u>790</u>	Court's Response to Jury Note <u>788</u> of May 3, 2023 at 9:11 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/3/2023. (Attachments: # 1) (zkh) (Entered: 05/03/2023)
05/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 5/3/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/4/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/03/2023)
05/03/2023	<u>791</u>	NOTICE OF FILING REGARDING VERDICT FORM by ZACHARY REHL re <u>786</u> Order, <u>788</u> Jury Notes, <u>790</u> Order, <u>782</u> Jury Notes (Attachments: # <u>1</u> Exhibit)(Hernandez, Carmen) (Entered: 05/03/2023)
05/04/2023	<u>792</u>	MEMORANDUM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6) regarding the Court's evidentiary rulings. See Memorandum for details. Signed by Judge Timothy J. Kelly on 5/4/2023. (lctjk1) (Entered: 05/04/2023)
05/04/2023	<u>793</u>	MOTION for Declaration of Mistrial <i>on Count One</i> by ZACHARY REHL. (Hernandez, Carmen) (Entered: 05/04/2023)
05/04/2023	<u>794</u>	Jury Note #9 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/04/2023)
05/04/2023	<u>795</u>	<b>Signature Page of Foreperson</b>

		as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #9. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/04/2023)
05/04/2023	<u>796</u>	Jury Note #10 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/05/2023)
05/04/2023	<u>797</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #10. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/05/2023)
05/04/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and concluded on 5/4/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. JURY VERDICT as to ETHAN NORDEAN (1) GUILTY on Counts 1sss, 2sss, 3sss, 4sss, 5sss, and 6sss. MISTRIAL DECLARED BY COURT on Counts 7sss and 8sss. NOT GUILTY on Count 9sss. JURY VERDICT as to JOSEPH R. BIGGS (2) GUILTY on Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. MISTRIAL DECLARED BY COURT on Counts 7ss and 8ss. NOT GUILTY on Count 9ss. JURY VERDICT as to ZACHARY REHL (3) GUILTY on Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. MISTRIAL DECLARED BY COURT on Counts 7ss and 8ss. NOT GUILTY on Count 9ss. JURY VERDICT as to ENRIQUE TARRIO (5) GUILTY on Counts 1s, 2s, 3s, 4s, 5s, and 6s. MISTRIAL DECLARED BY COURT on Counts 7s and 8s. NOT GUILTY on Count 9s. JURY VERDICT as to DOMINIC J. PEZZOLA (6) GUILTY on Counts 3s, 4s, 5s, 6s, 7s, 9s, and 10s. NOT GUILTY on Count 1s. MISTRIAL DECLARED BY COURT on Counts 2s and 8s. Jury polled with unanimous verdict. All twelve (12) jurors discharged without any further consideration of this case. Joint Proposed Scheduling Order due by 5/11/2023. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/05/2023)
05/04/2023	<u>798</u>	EXHIBIT LIST by USA as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). All admitted exhibits sent into jury 4/26/2023 at 2:45 PM. (zkh) (Entered: 05/05/2023)
05/04/2023	<u>801</u>	EXHIBIT LIST by ZACHARY REHL (3). All admitted exhibits sent into jury 4/26/2023 at 2:45 PM. (zkh) (Entered: 05/05/2023)
05/04/2023	<u>804</u>	VERDICT FORM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/05/2023)



05/04/2023	<u>805</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) in Jury Verdict. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/05/2023)
05/05/2023		MINUTE ORDER as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and DOMINIC J. PEZZOLA (6): Before the Court discharged the jury at the close of yesterday's proceedings, counsel for Defendants Biggs, Rehl, and Pezzola sought leave to speak with the jurors after their discharge pursuant to Local Criminal Rule of Procedure 24.2(b). Upon consideration of their oral motions, it is hereby ORDERED that their request for leave to speak with the jurors in this matter is DENIED. Signed by Judge Timothy J. Kelly on 5/5/2023. (lctjk1) (Entered: 05/05/2023)
05/11/2023	<u>806</u>	NOTICE of Government's Proposed Post-Trial Schedule by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Kenerson, Erik) (Entered: 05/11/2023)
05/16/2023	<u>808</u>	SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 5/16/2023. (lctjk1) (Entered: 05/16/2023)
05/17/2023		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4), ENRIQUE TARRIO (5), AND DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/17/2023)
05/31/2023	<u>809</u>	Application For Access To Trial Exhibits by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 5/31/2023. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Entered: 06/02/2023)
06/04/2023	<u>811</u>	MOTION to Withdraw as Attorney by Carmen D. Hernandez., MOTION for Extension of Time to <i>File Post-Verdict Motions</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 06/04/2023)
06/05/2023	<u>812</u>	MOTION for Leave to Appear as Lead Counsel Attorney: Norm Pattis. by ZACHARY REHL. (Pattis, Norman) (Entered: 06/05/2023)
06/05/2023		MINUTE ORDER as to ZACHARY REHL (3): Before the Court is Defendant Rehl's <u>811</u> motion for Attorney Carmen Hernandez to withdraw as counsel and for an extension of time to file posttrial motions. Attorney Norman Pattis, who also represents Rehl's codefendant, Joseph Biggs, has moved for leave to appear as counsel. In light of the potential conflict-of-interest issues involving Mr. Pattis's simultaneous representation of two codefendants in this matter for purposes of posttrial motions and sentencing, it is hereby ORDERED that the Government shall file any response or request additional time to respond to the <u>811</u> motion by June 6, 2023 at 5:00 p.m. Signed by Judge Timothy J. Kelly on 6/5/2023. (lctjk1) (Entered: 06/05/2023)
06/06/2023	<u>815</u>	RESPONSE by USA as to ZACHARY REHL re <u>812</u> MOTION for Leave to Appear as Lead Counsel Attorney: Norm Pattis., <u>811</u> MOTION to Withdraw as Attorney by

		Carmen D. Hernandez. MOTION for Extension of Time to <i>File Post–Verdict Motions</i> (McCullough, Jason) (Entered: 06/06/2023)
06/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of Defendant Rehl's <u>811</u> motion for an extension of time to file post–trial motions, the Government's <u>815</u> initial response, and Defendant Pezzola's 813 motion for an extension of time to do the same, it is hereby ORDERED that today's deadline for all defendants to file post–trial motions is STAYED. It is further ORDERED that the Government shall file its supplemental response regarding the conflict posed by Attorney Pattis's simultaneous representation of codefendants Biggs and Rehl for purposes of post–trial motions and sentencing by June 9, 2023. It is further ORDERED that Attorney Pattis shall file any response to the Government's filing by June 12, 2023. It is further ORDERED that the parties shall file a joint status report proposing, jointly or individually, a schedule or schedules for post–trial proceedings in this matter in light of Attorney Pattis's conflict by June 12, 2023. Signed by Judge Timothy J. Kelly on 6/7/2023. (lctjk1) (Entered: 06/07/2023)
06/07/2023		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Joint Status Report due by 6/12/2023. (zkh) (Entered: 06/07/2023)
06/09/2023	<u>816</u>	RESPONSE by USA as to ZACHARY REHL re <u>812</u> MOTION for Leave to Appear as Lead Counsel Attorney: Norm Pattis., <u>811</u> MOTION to Withdraw as Attorney by Carmen D. Hernandez. MOTION for Extension of Time to <i>File Post–Verdict Motions</i> (McCullough, Jason) (Entered: 06/09/2023)
06/12/2023	<u>817</u>	RESPONSE TO ORDER OF THE COURT by JOSEPH R. BIGGS, ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re Order,,,,, Set Deadlines,,,, (Pattis, Norman) (Entered: 06/12/2023)
06/12/2023	<u>818</u>	RESPONSE TO ORDER OF THE COURT by USA as to ZACHARY REHL re Order,,,,, Set Deadlines,,,, (McCullough, Jason) (Entered: 06/12/2023)
06/15/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the Government's and Defendants' recent filings, ECF Nos. 816, 817, 818, and 819, it is hereby ORDERED that the Government and Defendants Biggs and Rehl shall appear for a hearing on the potential conflict presented by Attorney Pattis's representation of Rehl on Wednesday, June 21, 2023 at 9:30 a.m. in Courtroom 11. It is further ORDERED that the post–trial briefing schedule for Defendants Nordean, Tarrio, and Pezzola is modified as follows: Defendants shall file any post–trial motions, including any motions under Fed. R. Crim. P. 29 and 33, by June 21, 2023; the Government shall file its opposition(s) by July 12, 2023; and Defendants shall reply by July 28, 2023. The Court does not anticipate any further extensions to this briefing schedule. It is further ORDERED that the post–trial briefing deadlines for Defendants Biggs and Rehl shall remain STAYED pending the conflicts hearing on June 21. Signed by Judge Timothy J. Kelly on 6/15/2023. (lctjk1) (Entered: 06/15/2023)
06/16/2023		Terminate Deadlines and Hearings as to ZACHARY REHL (3). (zkh) (Entered: 06/16/2023)
06/20/2023		

		NOTICE OF HEARING as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3): The Conflicts Hearing currently schedule for 6/21/2023 is <b>RESCHEDULED</b> for 6/23/2023 at 11:00 AM in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 06/20/2023)
06/22/2023		NOTICE OF HEARING ( <b>Time Change</b> ) as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3): Conflicts Hearing set for 6/23/2023 at <b>11:30 AM</b> in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 06/22/2023)
06/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Conflicts Hearing as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3) held on 6/23/2023. Order to be entered by the court. Joint Proposed Post-Trial Motion Schedule due by 6/27/2023. Bond Status of Defendants: 2-Committed/Commitment Issued, 3-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 2-Norman A. Pattis, 3-Carmen D. Hernandez; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Jocelyn Ballantine. (zkh) (Entered: 06/23/2023)
06/26/2023	<u>825</u>	STATUS REPORT <i>regarding Post-Trial Motions Schedule</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (McCullough, Jason) (Entered: 06/26/2023)
06/27/2023	<u>826</u>	ORDER as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3) granting Defendant Rehl's <u>811</u> Motion to Withdraw and <u>812</u> Motion for Leave to Appear. See Order for details. Signed by Judge Timothy J. Kelly on 6/27/2023. (lctjk1) (Entered: 06/27/2023)
06/27/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the Government's <u>825</u> status report proposing a revised briefing schedule for posttrial motions and Defendants' consent thereto, it is hereby ORDERED that Defendants Biggs and Rehl shall file any posttrial motions by July 6, 2023; the Government shall respond to all posttrial motions filed by all defendants by July 20, 2023; and Defendants shall reply by August 4, 2023. Signed by Judge Timothy J. Kelly on 6/27/2023. (lctjk1) (Entered: 06/27/2023)
06/27/2023		Set/Reset Deadlines as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3): Post-trial Motions due by 7/6/2023. (zkh) (Entered: 06/27/2023)
07/05/2023	<u>828</u>	MOTION for Acquittal , MOTION for New Trial <i>on counts in which they were convicted in the event Motion for Judgment of Acquittal is denied as to any or all counts</i> by JOSEPH R. BIGGS, ZACHARY REHL. (Pattis, Norman) (Entered: 07/05/2023)
07/17/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): To allow sufficient time for the Court to resolve all necessary matters and hear all relevant testimony in advance of imposing sentence on defendants, it is hereby ORDERED that the parties shall appear for a hearing on Tuesday, August 29, 2023 at 9:30 a.m. in Courtroom 24. It is further ORDERED that the hearing shall proceed as follows: first, the Court will orally rule on outstanding post-trial motions; second, the Court will hear any victim impact statements or testimony applicable to all defendants; third, the Court will hear argument on significant disputes raised in the parties' sentencing memoranda related to the application of the U.S. Sentencing Guidelines that are

		common to all defendants. Signed by Judge Timothy J. Kelly on 7/17/2023. (lctjk1) (Entered: 07/17/2023)
07/20/2023	<u>832</u>	MOTION for Extension of Time to File Response/Reply as to 824 MOTION for Acquittal <i>and New Trial</i> , and 822 , 823 , <u>828</u> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (McCullough, Jason) (Entered: 07/20/2023)
07/20/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>832</u> Motion to Extend Time and for Relief from Local Criminal Rule 47(e). Before the Court is the Government's <u>832</u> motion for a one-day extension to respond to Defendants' posttrial motions and for relief from Local Criminal Rule 47(e), which limits any opposition to a motion to 45 pages. For good cause shown, and because the Government represents that each defendant besides Defendant Nordean (from whom it has not heard back) consents, it is hereby ORDERED that the Government's <u>832</u> motion is GRANTED. It is further ORDERED that the Government may file its opposition to the Defendants' posttrial motions by tomorrow, July 21, 2023, and it shall not be bound by LCrR 47(e). Signed by Judge Timothy J. Kelly on 7/20/2023. (lctjk1) (Entered: 07/20/2023)
07/21/2023	<u>833</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 823 Motion for Joinder, Motion for Rule, 824 Motion for Acquittal, <u>828</u> Motion for Acquittal, Motion for New Trial, 822 Motion for Acquittal (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McCullough, Jason) (Entered: 07/21/2023)
08/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting Defendants' 840 Unopposed Motion to Extend Time. Upon consideration of Defendant Pezzola's 840 unopposed motion for a two-day extension of time to file a reply in support of his 824 motion for judgment of acquittal and for a new trial, which he represents the other defendants join with respect to their own motions, it is hereby ORDERED, <i>nunc pro tunc</i> , that the motion is GRANTED. Any such reply filed by August 6, 2023 is timely. Signed by Judge Timothy J. Kelly on 8/7/2023. (lctjk1) (Entered: 08/07/2023)
08/17/2023	<u>854</u>	SENTENCING MEMORANDUM by JOSEPH R. BIGGS, ZACHARY REHL (Pattis, Norman) (Entered: 08/17/2023)
08/17/2023	<u>855</u>	SENTENCING MEMORANDUM by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Attachment A (Tarrío Additional Arguments), # <u>2</u> Attachment B (Nordean), # <u>3</u> Attachment C (Biggs), # <u>4</u> Attachment D (Rehl), # <u>5</u> Attachment E (Pezzola))(McCullough, Jason) (Entered: 08/17/2023)
08/17/2023	<u>859</u>	NOTICE of Sentencing Exhibits by USA as to ZACHARY REHL re <u>855</u> Sentencing Memorandum, (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4 (slip sheet))(Kenerson, Erik) (Entered: 08/17/2023)
08/23/2023	<u>868</u>	REPLY by ZACHARY REHL as to JOSEPH R. BIGGS, ZACHARY REHL re <u>855</u> SENTENCING MEMORANDUM (Pattis, Norman) Modified text to include link on 9/6/2023 (zltf). (Entered: 08/23/2023)
08/24/2023	<u>874</u>	

		RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA <i>Sentencing Memoranda (ECF 853, 854, 861, 862)</i> (McCullough, Jason) (Entered: 08/24/2023)
08/28/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMININC J. PEZZOLA (6): It is hereby ORDERED that, pursuant to the Court's Minute Order of July 17, 2023, the Court will hear argument on the following Sentencing Guidelines disputes at tomorrow's hearing: (1) the most analogous guideline to apply to the conspiracy convictions on Counts 1 and 4, pursuant U.S.S.G. § 2X5.1; (2) whether and to which offenses the Court should apply the terrorism adjustment under U.S.S.G. § 3A1.4; and (3) whether to apply the aggravated assault guideline, U.S.S.G. § 2A2.2, to Defendants' convictions on Count 5 pursuant to the cross-reference provision in § 2A2.4. Signed by Judge Timothy J. Kelly on 8/28/2023. (lctjk1) (Entered: 08/28/2023)
08/29/2023		NOTICE OF ERROR as to ZACHARY REHL regarding <u>881</u> Large Additional Attachment(s). The following error(s): Incorrect format (Letter)– correspondence is not permitted (LCrR 49(f)(4)). Counsel refiled as docket entry <u>882</u> . (zltf) (Entered: 08/29/2023)
08/29/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Omnibus Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 8/29/2023. For the reasons stated on the record, Defendant TARRIO's 823 MOTION for Joinder is GRANTED and the Defendants' Rule 29 MOTIONS are all DENIED. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–Norman A. Pattis, 3–Norman A. Pattis, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe; Government Speakers: USCP Officer Shae Cooney and USCP Inspector Thomas Loyd. (zkh) (Entered: 08/30/2023)
08/31/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Sentencing held on 8/31/2023 as to ZACHARY REHL (3) as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. <b>Count 1ss:</b> Defendant sentenced to one hundred eighty (180) months of Incarceration on Count 1ss, to run concurrently with Counts 2ss, 3ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 1ss to run concurrently with Counts 2ss, 3ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 2ss:</b> Defendant sentenced to one hundred eighty (180) months of Incarceration on Count 2ss, to run concurrently with Counts 1ss, 3ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 2ss to run concurrently with Counts 1ss, 3ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 3ss:</b> Defendant sentenced to one hundred eighty (180) months of Incarceration on Count 3ss, to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 3ss to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 4ss:</b> Defendant sentenced to seventy-two (72) months of Incarceration on Count 4ss, to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 4ss to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 5ss:</b> Defendant



		sentenced to sixty (60) months of Incarceration on Count 5ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 5ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss. \$100 Special Assessment. <b>Count 6ss:</b> Defendant sentenced to one hundred twenty (120) months of Incarceration on Count 6ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 5ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 6ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 5ss. \$100 Special Assessment. ALL Remaining Counts DISMISSED ON ORAL MOTION OF THE GOVERNMENT. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorney: Norman A. Pattis; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe; Prob Officer: Renee Moses-Gregory. (zkh) (Entered: 09/01/2023)
09/06/2023	<u>887</u>	ENTERED IN ERROR.....MOTION by JOSEPH R. BIGGS as to JOSEPH R. BIGGS, ZACHARY REHL. (Attachments: # <u>1</u> Exhibit)(Pattis, Norman) Modified on 9/6/2023 (zltp). (Entered: 09/06/2023)
09/06/2023		NOTICE OF ERROR as to JOSEPH R. BIGGS, ZACHARY REHL regarding <u>887</u> MOTION . The following error(s) need correction: Incorrect event. Please refile using NOTICE (OTHER) event type. (zltp) (Entered: 09/06/2023)
09/06/2023	<u>888</u>	NOTICE of Filing Plea Offers by JOSEPH R. BIGGS as to JOSEPH R. BIGGS, ZACHARY REHL (Attachments: # <u>1</u> Plea letter)(Pattis, Norman) (Entered: 09/06/2023)
09/12/2023	<u>894</u>	ENTERED IN ERROR.....NOTICE OF APPEAL CRIMINAL by ZACHARY REHL (Pattis, Norman) Modified on 9/19/2023 (zltp). (Entered: 09/12/2023)
09/12/2023	<u>896</u>	NOTICE OF APPEAL – Final Judgment by ZACHARY REHL Filing fee \$ 505, receipt number ADCDC-10343816. Fee Status: Fee Paid. Parties have been notified. (Pattis, Norman) (Entered: 09/12/2023)
09/12/2023		NOTICE OF ERROR as to ZACHARY REHL regarding <u>894</u> Notice (Other). The following error(s): Incorrect event. Counsel refiled as docket entry <u>896</u> . (zltp) (Entered: 09/19/2023)
09/15/2023	<u>905</u>	JUDGMENT as to ZACHARY REHL. Statement of Reasons Not Included. Signed by Judge Timothy J. Kelly on 9/15/2023. (zltp) (Entered: 09/19/2023)
09/15/2023	<u>906</u>	STATEMENT OF REASONS as to ZACHARY REHL. re <u>905</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Timothy J. Kelly on 9/15/2023. (zltp) (Entered: 09/19/2023)
09/19/2023	<u>907</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid as to ZACHARY REHL re <u>896</u> Notice of Appeal – Final Judgment. (zltp) (Entered: 09/19/2023)
09/25/2023		USCA Case Number as to ZACHARY REHL 23-3162 for <u>896</u> Notice of Appeal – Final Judgment filed by ZACHARY REHL. (zltp) (Entered: 10/02/2023)
10/05/2023	<u>918</u>	MOTION Motion to 'Join' ECF No. 809 to Release Admitted Trial Exhibits or In Alternative for Clarification re <u>809</u> MOTION to Access by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hull, John) (Entered: 10/05/2023)

		10/05/2023)
10/10/2023		<b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the <u>809</u> Application for Access to Trial Exhibits and Defendant Biggs's <u>918</u> Motion to Join that application. Upon consideration of the application for access to trial exhibits by Conrad Smith, Danny McElroy, Byron Evans, Governor Latson, Melissa Marshall, Michael Fortune, Jason DeRoche, and Reginald Cleveland ("Applicants"), it is hereby ORDERED that the application is GRANTED. It is further ORDERED that Defendant Biggs's motion is GRANTED. It is further ORDERED that the Government may make exhibits available to Applicants and Defendant Biggs using the "drop box" technical solution described in In re: Media Access to Video Exhibits in Pretrial Hearings During the COVID–19 Pandemic, Standing Order No. 21–28 (BAH) (May 14, 2021). Signed by Judge Timothy J. Kelly on 10/10/2023. (lctjk1) Modified to mark as error entry on 10/11/2023 (zkh). (Entered: 10/10/2023)
10/11/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the <u>809</u> Application for Access to Trial Exhibits and Defendant Biggs's <u>918</u> Motion to Join that application. Upon consideration of the application for access to trial exhibits by Conrad Smith, Danny McElroy, Byron Evans, Governor Latson, Melissa Marshall, Michael Fortune, Jason DeRoche, and Reginald Cleveland ("Applicants"), it is hereby ORDERED that the application is GRANTED. It is further ORDERED that Defendant Biggs's motion is GRANTED. It is further ORDERED that the Government may make exhibits available to Applicants and Defendant Biggs using the "drop box" technical solution described in In re: Media Access to Video Exhibits in Pretrial Hearings During the COVID–19 Pandemic, Standing Order No. 21–28 (BAH) (May 14, 2021). Signed by Judge Timothy J. Kelly on 10/11/2023. (lctjk1) (Entered: 10/11/2023)
10/16/2023	<u>923</u>	NOTICE OF APPEAL – Final Judgment by USA as to ZACHARY REHL re <u>906</u> Statement of Reasons, <u>905</u> Judgment. Fee Status: No Fee Paid. Parties have been notified. (McCullough, Jason) (Main Document 923 replaced on 10/17/2023) (zltpt). (Entered: 10/16/2023)

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

ZACHARY REHL

Criminal No. 21-CR-175-3 (TJK)

**NOTICE OF APPEAL**

Name and address of appellant:

United States of America

Name and address of appellant's attorney:

Jason McCullough, Assistant US Attorney  
Office of the US Attorney for DC  
601 D Street, NW Room 5.118  
Washington, DC 20253

Offense: 18 USC secs. 231(a)(3), 2; 372; 1361, 2; 1512(c)(2), 2; 1512(k); 2384

Concise statement of judgment or order, giving date, and any sentence:

Judgment, entered on September 15, 2023, sentencing defendant to a total 180 months' incarceration, followed by a total 36 months' supervised release; assessment of \$600

Name and institution where now confined, if not on bail: Philadelphia FDC

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

October 16, 2023

United States of America

DATE

APPELLANT  
Jason McCullough

ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE ☒

CJA, NO FEE ☐

PAID USDC FEE ☐

PAID USCA FEE ☐

Does counsel wish to appear on appeal?

YES ☐

NO ☒

Has counsel ordered transcripts?

YES ☐

NO ☒

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☐

NO ☒

# UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

ZACHARY REHL

## JUDGMENT IN A CRIMINAL CASE

Case Number: 21-CR-175-3 (TJK)

USM Number: 34945-509

Norman A Pattis

Defendant's Attorney

### THE DEFENDANT:

☐ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☒ was found guilty on count(s) 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss of the Third Superseding Indictment filed 6/6/2022  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 2384	Seditious Conspiracy	1/6/2021	1ss
18 USC § 1512(k)	Conspiracy to Obstruct an Official Proceeding	1/6/2021	2ss
18 USC § 1512(c)(2), 2	Obstruction of an Official Proceeding and Aiding & Abetting	1/6/2021	3ss

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has been found not guilty on count(s) 9ss of the Third Superseding Indictment filed 6/6/2022

☒ Count(s) All Remaining Counts ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/31/2023

Date of Imposition of Judgment

Signature of Judge

Timothy J. Kelly, U.S. District Judge

Name and Title of Judge

Date

9/15/23

DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

**ADDITIONAL COUNTS OF CONVICTION**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 372	Conspiracy to Prevent an Officer from Discharging Any Duties	1/6/2021	4ss
18 USC § 231(a)(3), 2	Civil Disorder and Aiding and Abetting	1/6/2021	5ss
18 USC § 1361, 2	Destruction of Government Property and Aiding and Abetting	1/6/2021	6ss



DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

One Hundred Eighty (180) months as to each of Count 1ss, 2ss, and 3ss; Seventy-two (72) months as to Count 4ss; Sixty (60) months as to Count 5ss; and One Hundred Twenty (120) months as to Count 6ss.  
ALL Counts to run concurrently for a total term of One Hundred Eighty (180) months.

☒ The court makes the following recommendations to the Bureau of Prisons:

Defendant be housed at Fort Dix FCI.

Defendant be evaluated for the Residential Drug Abuse Program (RDAP), and if found eligible, that he participate.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

DEPUTY UNITED STATES MARSHAL

DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Thirty-six (36) months as to each of Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. ALL counts to run concurrently.

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.  
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

### SPECIAL CONDITIONS OF SUPERVISION

**Substance Abuse Testing** - You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

**Mental Health Treatment** - You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

**Contact Restriction** - You must not associate, communicate, or otherwise interact with any person or any organization that advocates violence against the government. If you inadvertently associate, communicate, or otherwise interact with any such person or organization, you must report that to the probation officer.

**Social Media Restriction** - You must seek the approval of the probation officer if you wish to access, view or use any online social media. You must not download any social media apps to your phone or computer. You must not access social media on any other device not approved by the probation office. Social media includes social media sites, chat services, blogs, instant messages, SMS, MMS, digital photos, video sharing websites, emails or any other interactive, online, or electronic communication applications or sites.

**Propaganda Restriction** - You must not access, view, use or possess any material provided by any person or produced by any person or organization that advocates violence against the government. If you inadvertently access, view, use or possess such material you must immediately report this to the probation officer.

**Computer Monitoring/Search** - To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. You must allow the probation officer to install computer monitoring software on any computer. This includes desktops, laptops, mobile devices, smartwatches, gaming systems, private servers, or any other high-speed data processing device performing logical, arithmetic, or storage functions. These searches shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

- You must not use any services designed to encrypt disguise, mask, or anonymize your online activity, such as TOR, I2P, Freenet, Freepto, Tox, Virtual Private Networks or other anonymizing applications, services, or sites.
- You shall not use any online gaming services or systems, including mobile device applications.

**Telecommunications** – You shall not use any telecommunications application software product, such as Skype, Discord, TeamSpeak, Battle.net, Steam, Xbox Network, PlayStation Network, Nintendo Switch Online or any other software that specializes in providing chat and voice calls between computers, tablets, mobile devices, gaming consoles and smartwatches.

**Financial Information Disclosure** - You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the United States Attorney's Office.

**Re-entry Progress Hearing** - Within forty-five days of release from incarceration you will appear before the Court for a re-entry progress hearing. The United States Probation Office in the district in which you are supervised will submit a progress report to the court within the thirty days of the commencement of supervision; and upon receipt of the progress report, the Court will determine if your appearance is required.

AO 245B (Rev. 09/19) Judgment in a Criminal Case  
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 7 of 8

DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 600.00	\$	\$	\$	\$

☒ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States			
District Court for the District of Columbia			
for disbursement to the following victims:			

Architect of the Capitol

**TO BE DETERMINED**

Office of the Chief Financial Officer

Ford House Office Building

Room H2-205B

Washington, DC 20515

TOTALS	\$	0.00	\$	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: ZACHARY REHL  
CASE NUMBER: 21-CR-175-3 (TJK)

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 600.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number  
Defendant and Co-Defendant Names  
(including defendant number)

Total Amount

Joint and Several  
Amount

Corresponding Payee,  
if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.